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THE CHARTERS OF THE HIGH COURT OF JUDICATURE AT MADRAS,

AND OF THE COURTS WHICH PRECEDED IT,

FROM 1687 TO 1865.

EDITED BY THE LATE

JOHN SHAW, ESQUIRE.

For the Government of Madras.

MADRAS:
PRINTED BY R. HILL, AT THE GOVERNMENT PRESS.

1888.

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THE CHARTERS OF THE HIGH COURT OF JUDICATURE AT MADRAS,

AND OF THE COURTS WHICH PRECEDED IT,

FROM 1687 TO 1865.

CHARTER GRANTED BY THE GOVERNOR AND COMPANY OF MERCHANTS, TRADING INTO THE EAST-INDIES, TO THE MAYOR, ALDERMEN AND BURGESSES OF MADRAS,

Bearing Date the Thirtieth of *December*, in the Third Year of the Reign of *JAMES* II., *Anno Domini*, One Thousand Six Hundred and Eighty-seven.

THE *Governor and Company of Merchants of London, Trading to the East-Indies.* To all to whom these Presents shall come, Greeting. WHEREAS His Majesty King *Charles* the Second of Blessed Memory, by his Royal Charter, bearing Date, at *Westminster*, the Third Day of *April* in the Thirteenth Year of His Reign, did, among other things, grant to Us and Our Successors, that it should be lawfull for Us or the major Part of Us duly assembled, to make, ordain, and constitute such and so many reasonable Laws, Constitutions, Orders and Ordinances as to Us or the greater Part of Us should seem necessary and convenient for the good Government of the said Company. And whereas the late King *Charles* the Second of Blessed Memory by His Royal Charter, bearing Date the Ninth Day of *August* in the Five and Thirtieth Year of His Reign, did grant unto Us The said *Governor and Company* for the Time being, that We or the major Part of Us duly assembled, should have the Ordering, Rule, and Government of all such Forts, Factories, and Plantations as now are or should be hereafter at any Time settled by or under Us The said *Governor and Company*. And whereas likewise His present Majesty *James* the Second by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c., by His Royal Charter, bearing Date the Twelfth Day of *April* in the Second Year of His Reign, hath, among other things, granted and confirmed unto Us the said *Governor and Company*, all Our former Privileges, with full Licence, Power, and Authority to exercise and use within all Our Plantations, Forts, Factories, and Places which We now have, or hereafter shall have, within the Limits of the aforesaid Royal Charters the Law commonly called the Martial Law: Now We The said *Governor and Company* having found by Experience, and the Practice of other European Nations in India, that the makeing and establishing of Corporations in Citties and Towns that are grown exceeding populous tends more to the well-governing of such populous Places, and to the Increase of Trade, than the constant Use of the Law Martial in trivial Concerns, We have therefore by and with the Approbation of Our Sovereign Lord the King that now is, declared in His Majesty's Cabinet Council the Eleventh Day of this Instant *December*, and for

Recital of Charters of 3rd April 1661,

9th August 1683,

and 12th April 1686.

Inhabitants of Fort St. George and Madras made a Corporation.

the speedier Determination of small Controversies of little Moment frequently happening among the unarmed Inhabitants, thought it convenient to make, ordain, and constitute Our Town of *Fort St. George*, commonly called the Christian Town and Citty of *Madrassapatam* upon the Coast of *Choromandel* in the *East-Indies*, and all the Territorys thereunto belonging, not exceeding the Distance of Ten Miles from *Fort St. George*, to be a Corporation under Us by the name and Title of the Mayor, Aldermen and Burgesses of the Town of *Fort St. George* and Citty of *Madrassapatam*; And therefore We The said *Governor and Company* do by these Presents ordain, constitute, and appoint that the Inhabitants of *Fort St. George* and *Madrassapatam* aforesaid, or so many of them as shall be hereby nominated, or that shall hereafter be thereunto elected or admitted in Manner and Form hereafter prescribed, shall be One Body Corporate and Politick in Deed and in Name, by the Name of the Mayor, Aldermen and Burgesses of the Town of *Fort St. George* and Citty of *Madrassapatam* really and fully for ever: And for Us and Our Successors We declare by these Presents, that by the same Name of Mayor, Aldermen, and Burgesses of the Town of *Fort St. George* and Citty of *Madrassapatam* they shall have perpetual Succession, and that they and their Successors by the Name of the Mayor, Aldermen and Burgesses of the Town of *Fort St. George* and Citty of *Madrassapatam* be and at all Times hereafter shall be Persons able and capable in Law as a Body Corporate and Politick to have, purchase, receive, possess, enjoy, and retain Lands, Rents, Privileges, Liberties, Jurisdictions, Franchises and Hereditaments, of what Kind, Nature, or Quality soever they be, to them and their Successors, and also to give, grant, devise, alien and dispose Lands, Tenements and Hereditaments, and to do and execute all and singular other Things by the same Name that to them shall or may appertain to do: And that they and their Successors by the Name of the Mayor, Aldermen, and Burgesses of the Town of *Fort St. George* and Citty of *Madrassapatam* may plead and be impleaded, answer and be answered, defend and be defended, release and be released, in any of Our Courts of Judicature established or to be established in *Fort St. George* or in Our *Madrassapatam*, or in any other Place within the Limits of the above-recited Charters granted to Us The *Governor and Company* aforesaid: And that the said Mayor, Aldermen, and Burgesses and their Successors, may have a common Seal to serve for all Causes or Businesses of them and their Successors, and that it shall and may be lawfull to the said Mayor, Aldermen and Burgesses and their Successors the same Seal from Time to Time at their Will and Pleasure to break, change, and make new or alter as to them shall seem expedient: And further We will and by these Presents for Us and Our Successors We do ordain that from henceforth One of the Inhabitants of the Town of *Fort St. George* aforesaid or of Our Citty of *Madrassapatam* aforesaid shall be elected and appointed in such Form as is hereafter expressed which shall be called Mayor of the said Corporation; and there shall be from henceforth Twelve of the Inhabitants of the said Town of *Fort St. George* and Citty aforesaid to be elected and appointed in such Form as in these Presents is hereafter expressed which shall be called Aldermen of the said Town of *Fort St. George* and Citty; and that there shall be Sixty or more of the said Inhabitants to be elected and appointed in such Form as hereafter is expressed which shall be called Burgesses; and that they the said Mayor, Aldermen, and Burgesses and their

By the name of the Mayor, &c.

Successors shall from henceforth for ever be ruled, ordered, and governed according to such Manner and Form as is hereafter expressed and not otherwise nor in any other Sort or Form; and that they shall have, hold, retain, and enjoy the Grants, Libertys, Privileges, Jurisdictions, and Immunities only hereafter in these Presents granted and expressed and none other.

AND for the better Execution of Our Intent and Meaning in this Behalf, We do nominate, constitute, and make *Nathaniel Higginson*, Second of our Council of *Fort St. George*, the First and Modern Mayor of the said Corporation, and to take upon him and continue in the said Office from the Twenty-ninth Day of *September* which shall be in the Year of Our Lord One Thousand Six Hundred Eighty-eight, and continue in the Exercise of the said Office of Mayor of the said Corporation for one whole Year from the said Twenty-ninth Day of *September* One Thousand Six Hundred Eighty-eight, if the said *Nathaniel Higginson* shall so long live and so until a new Mayor be chosen by the said Aldermen and Burgesses in Form hereafter expressed: And also we do assign, nominate, and constitute *John Littleton*, *Thomas Wavell*, and *William Fraser*, three of Our Council of *Fort St. George*, *Daniel Chardin*, French Merchant, *Lucas Lewis de Oliveria*, and *Alvaro Capella de Valle*, Portugal Merchants, *Bartholomew Rodrigues*, *Jaques de Paiva* and *Domingos de Porte*, Hebrew Merchants, *China Vencatadre*, *Mooda Verona*, and *Allingal Pella*, Gentu Merchants, to be the Twelve First and Modern Aldermen of the said Corporation from the said Twenty-ninth Day of *September* which shall be in the Year of Our Lord One Thousand Six Hundred Eighty-eight, to continue in the Exercise of the said Offices of Aldermen of the said Corporation during their respective natural Lives or their Residence there. And We do hereby grant, ordain, and constitute *John Nicks*, *John Staples*, *Henry Alford*, *James Johnson*, *John Hill*, *Francis Wilcocks*, *Ambrose Moody*, *Samuel Walls*, *Frederick Baywell*, *John Pitt*, *John Heathfield*, *John Harris*, *Samuel Swinrock*, *John Tillotson*, *Francis Bett*, *Edward Pointall*, *Benjamin Northy*, *Ralph Ingram*, *Christopher Wilson*, *Grimston Luckin*, *Isaack Dunn*, *James Grudgfeild*, *Richard Breereton*, *William Shales*, *George Wingfeild*, *Samuel Owen*, *William Roby*, *Thomas Wright*, *Charles Foster*, Merchants, to be Burgesses of the said Corporation.

Appointment of First Mayor, Aldermen and Burgesses.

AND We further will and grant by these Presents for Us and Our Successors unto the said Mayor, Aldermen, and Burgesses, and their Successors, that they or the greater Part of them, whereof the Mayor for the Time being to be always One, may from Time to Time and at all Times hereafter have Authority and Power Yearly and every Year upon the Twenty-ninth Day of *September*, to assemble and meet together in some convenient Place or Guild Hall to be erected for that Purpose, and that being so assembled, the Mayor being present, the Aldermen and Burgesses may elect and nominate One of the said Aldermen which shall be Mayor of the said Corporation for One whole Year next ensuing, which Person being so elected and nominated as aforesaid, before he be admitted to the Execution of the said Office of Mayor, shall take a Corporal Oath before the last Mayor being his Predecessor, and any Six or more of the said Aldermen for the Time being, that he shall bear true Faith and Allegiance to Our Sovereign Lord the King, His Heirs and Successors, and be faithful to Us The *Governor and Company of Merchants of London, Trading into the East-Indies*, and to Our General of *India*

A new Mayor to be elected on the 29th September in every year,

and to take an Oath of Allegiance and of Office.

for the Time being, and that he shall well and truly execute the said Office of Mayor of the said Corporation in all Things concerning the same, and judge equally in all Causes coming before him between Party and Party to the best of his Skill and Power without Reward, Favour, or Malice from or to any Man, and that immediately after the said Oath so taken he shall and may execute the Office of Mayor of the said Corporation for One whole Year from thence next ensuing: And in this Sort We will and grant, ordain, and constitute that as well every One of the above-named Aldermen and Burgesses, as all others hereafter to be elected and admitted to be Aldermen and Burgesses in the Form and Manner hereafter mentioned, shall take a Corporal Oath before the Mayor and Six of the Aldermen of the said Corporation as by Our General of *India* and his Council, or Our President of *Fort St. George* and his Council, shall be in reasonable Manner set down and devised, before they shall be allowed and admitted as free Burgesses of the said Corporation. And in regard Our Mind and Will is, for the Encouragement of the People of all Nations and all the Sects of Religion conversant in Merchandizing and Trade in *India*, that Our said Corporation and Burgesses should consist of a Mixture of the most discreet, best, and honestest of all Sorts of People residing within the Limits of Our said Corporation, and that the Court of Aldermen of the said Corporation especially should be made up of the Heads and Chiefs of all the respective Casts, We do ordain and appoint, for the greater Solemnity, Tye, and Obligation upon the Conscience of every One of the Aldermen and Burgesses aforesaid that are not of the Christian Religion, and such as shall hereafter be elected to be Aldermen and Burgesses, the Oaths before appointed to be taken by each of them respectively as aforesaid shall be made and done in such Manner and Form as by each of their respective Religions in which they have been born and educated may be most obligatory and cogent upon their respective Consciences, any Law formerly made by Us, Usage, Diversity of Religion or Faith, or any other Cause or Matter to the contrary notwithstanding.

Aldermen and Burgesses to take an Oath,

in the form most obligatory upon their consciences.

AND moreover Our Mind and Will is, and by these Presents for Us and Our Successors, We do grant unto the said Mayor, Aldermen, and Burgesses and their Successors, that when and as often as it shall happen the Mayor for the Time being within One Year after his being sworn to the said Office shall dye or be removed from the said Office of Mayor (which Mayor not demeaning himself well in the said Office We will to be removeable at the Pleasure of the Aldermen and Burgesses aforesaid, or the greater Part of them which shall be present at any publick Assembly of the said Aldermen and Burgesses) that then and so often it shall and may be lawfull for the said Aldermen and Burgesses for the Time being, or the greater Part of them, within convenient Time after the Death or Removal of any such Mayor, to assemble themselves at their Guild Hall or other general Place of Meeting, and the said Aldermen and Burgesses, or the greater Part of them, then and there present shall and may then and there before their Departure from the said Place elect and nominate One other of the said Aldermen to be Mayor of the said Corporation in the Place or Stead of him that so died or was removed, which Person being so elected and nominated to the Office of Mayor of the said Corporation shall have and exercise the said Office for and during the Residue of the said Year takeing first a Corporal Oath for the due Execution thereof: And this to be done from Time to Time so often as the Case shall so require.

In case of the Mayor dying or being removed from office within a year, an Alderman to be elected in his stead.

In case of an Alderman dying or being removed from office a Burgess to be elected in his stead.

AND Our further Will and Mind is, and by these Presents for Us and Our Successors, we do grant unto the said Mayor, Aldermen and Burgesses and their Successors when and as often as shall happen any of the Aldermen of the said Corporation to die or be removed from the said Office (which Aldermen not demeaning themselves well in their said Offices We will to be removeable at the Pleasure of the said Mayor, Aldermen and Burgesses, or the greater Part of them, whereof the Mayor for the Time being to be always One), and the said Mayor, Aldermen and Burgesses being assembled for that Purpose, or the greater Part of them, the Mayor for the Time being being always One, may then and there before their Departure from the said Place elect and nominate One or more of the said Burgesses of the said Corporation in the Places and Steads, Place or Stead of him or them that so dyes or were or was so removed, which Person or Persons so elected or nominated to the Office or Offices of Alderman or Aldermen shall have and exercise the said Office or Offices for or during his or their natural Life or Lives, taking first a Corporal Oath as is aforesaid for the due Execution thereof: And this to be done from Time to Time so often as the Case shall require.

Mayor and Aldermen to be a Court of Record, and the Mayor and Three Senior Aldermen to be Justices of the Peace.

AND further for Us and Our Successors, We grant, ordain, constitute, and appoint that the Mayor and Aldermen so elected, nominated, and sworn as aforesaid, shall be then and for ever hereafter a Court of Record within Our Town of *Fort St. George* and City of *Madrassapatam* and the Precincts thereof aforesaid, and that the Mayor of the said Corporation for the Time being shall be always One of the Justices of the Peace within the Precincts of the said Corporation and without the Walls of Our said Fort commonly called *Fort St. George*, and that Three of the first-named, or the eldest Three Aldermen that shall hereafter be, shall always likewise be, by Virtue of this Our Grant and Charter, Justices of the Peace, and as Justices of the Peace, according to Equity and good Conscience and to such Laws and Constitutions as have been or shall hereafter be made by Us, or such temporary Laws or By-laws which shall hereafter be made by Our General and Council or in Our General's Absence by our President and Council of *Fort St. George*, have and exercise the Jurisdiction and Authority of Justices of the Peace within the Bounds, Limits, and Precincts of the said Corporation but without the Walls of *Fort St. George* aforesaid.

The Mayor and Aldermen to have power to impose and levy a tax for building a Guild Hall, &c.

AND our further Mind and Will is, that the said Mayor and Aldermen have, and for ever hereafter shall have, Power and Authority with the Consent and Approbation of Our General and Council of *India* aforesaid, or Our President and Council of *Fort St. George* in the Absence of Our General but not otherwise, to lay any equal and indifferent Tax upon all the Inhabitants of our Town *Fort St. George* or *Madrassapatam*, and of or within the Bounds and Precincts thereof aforesaid, not being Our Covenant Servants, and the same equal and indifferent Tax so layed and assessed as aforesaid to levy and recover from all Persons assessed, and to enforce the Payment thereof by Distress of the Refusers' Goods or Imprisonment of their Persons till Payment be made by such Refusers of what shall be so rated and assessed upon them respectively: And Our Mind and Will is, that no such Rate or Assessment shall be made or levied upon the Inhabitants of Our City of *Madrassapatam* and Precincts thereof aforesaid on any Pretence whatsoever but for the Uses, Intents, and Purposes hereafter men-

tioned, that is to say: for the building of a convenient Town House or Guild Hall for the solemn Assemblies of the said Mayor, Aldermen, and Burgesses; and for the building of a publick Goal for the detaining in Prison such Criminals or Debtors as shall be committed to the Custody of some Goaler to be appointed for that Purpose by the said Mayor and Aldermen, or the greatest Part of them, or by some One or more of the Justices of Peace of the said Corporation aforesaid; and for the building and erecting of a convenient School House or House for the teaching of the Gentues or Native Children to speak, read, and write the English Tongue, and to understand Arethmetick and Merchants' Accompts; and for such further Ornaments and Edifices as shall, with Consent as aforesaid, be thought convenient for the Honor, Interest, Ornament, Security, and Defence of the said Corporation, and of all the Inhabitants of our Town of *Fort St. George* and City of *Madras*, and for the Payment of the Salaries of necessary Officers attending the Mayor, Aldermen and Burgesses, and School Master appointed by the said Mayor and Aldermen for teaching the Inhabitants' Children as aforesaid.

Mayor's Court to have power to try all Causes, Civil or Criminal.

AND Our further Mind and Will is, and We do grant and ordain for Us and our Successors to the said Mayor, Aldermen and Burgesses and their Successors, that the said Mayor and Aldermen being a Court of Record as aforesaid shall for ever have Power and Authority to try and adjudge all Causes whatsoever Criminal and Civil between Party and Party whoever they be that shall be brought before them in a summary Way according to Equity and good Conscience, and according to such Laws, Orders, and Constitutions that we have already made or shall hereafter make and constitute for the good Government of all our Inhabitants within our Town of *Fort St. George* and Citty of *Madras* aforesaid, according to what shall be alledged and proved before them, and to give Sentence and award Judgment and Execution accordingly, all Sentences and Judgments to pass according to the Opinion of the major Part of the Aldermen that shall be present at the hearing of any such Cause (the Mayor for the Time being, being always One), which Power and Authority last mentioned of judging, sentenceing, and causing Execution to be done in all Causes as aforesaid, We will shall be used, exercised, and enjoyed by the said Court of Record, the Mayor and Aldermen of the Corporation aforesaid, under the Provisoes and Limitations hereafter mentioned, that is to say: in all Causes Civil wherein the Value of the Damages adjudged for the Defendant to pay any Sum of Money not exceeding Three Pagodas the Opinion and Sentence of the said Mayor and Aldermen, or the greater Part of them, present at the hearing or determining any such Cause, shall be final, but in case the Value of what is awarded to be paid by the major Part of the said Court of Aldermen (the Mayor for the Time being, being always One) shall exceed the Value of Three Pagodas the Party litigant which finds or thinks himself aggrieved by any such Judgment or Sentence may within Three Days after such Sentence pronounced, Appeal for Redress to our *Supreme Court of Judicature, commonly called our Court of Admiralty*, and upon such Appeal brought by the Party aggrieved as aforesaid, Execution of the Sentence of the said Court of Aldermen shall be respited until the same Cause be reheard in our Supreme Court aforesaid, which Court We do require for the Ease of Our Inhabitants to hear and determine any such Cause coming before them by Appeal within Two Court Days next ensuing such Appeal

Appeal in Civil Causes when the value of what is awarded exceeds Three Pagodas.

brought; and such Judgment and Determination of our said Supreme Court shall be final in all such Cases, and Execution awarded and performed accordingly. Our further Will, Mind, and Limitation of Our said Court of Record is, that in all Criminal Causes which shall be brought before them, the Mayor and Aldermen aforesaid, upon which Sentence shall be awarded for the taking away the Life or Limb of any Offender, the Offender or Prisoner so sentenced to loose his Life or any Member of his Body for any Offence committed or suggested to be committed by him, shall have the Liberty within Three Days after such Sentence passed upon him to appeal to Our Supreme Court of Judicature aforesaid where his Accusation shall be reheard and determined by Our said Judicature, whose Sentence in such Case shall be final and Execution accordingly awarded and done within Three Days next after such Sentence pronounced by Our said Court of Judicature, except our General and Council or Our General of *India*, or Our President and Council of *Fort St. George* for the Time being, shall by Reprieve order Execution to be respited or pardon the Offender, which Reprieves or Pardons in Criminal Cases of Our said General and Council, or Our President and Council, We will always have duly obeyed by the said Court of Aldermen and Our Supreme Court of Judicature and all other Persons whatsoever within the Precincts of our Town of *Fort St. George* and City of *Madrassapatam*. And Our further Mind, Will, and Limitation is, that if any Englishman, Seaman, or other, shall be attached or arrested by any Sargeant or Officer belonging to the said Court of Aldermen, or by Warrant from any Justice of Peace of the said Corporation, for Drunkeness or any other Criminal Misdemeanour, such Arrest or Attachment of any Sargeant or Officer of or belonging to the said Court of Aldermen, shall always be submitted to and duly obeyed by the Party accused, arrested, or attached, though he be an Englishman; but no Englishman shall for such Criminal Matter done, or suggested to be done, be carried before or committed to Prison by the Warrant of any Justice of Peace, Native of *India*, nor by any other Warrant but by our General and Council of *India*, or Our President and Council, or of Our Supreme Court of Judicature, or of some other English Justice of the Peace.

Appeal in Criminal Causes.

Reprieves and Pardons.

No Englishman to be committed to Prison by the Warrant of a Native of *India*.

Our further Will and Mind is, and We do hereby grant and ordain for Us and Our Successors, to the said Mayor, Aldermen and Burgesses and their Successors, that for the greater Solemnity and to attract respect and reverence from the common People, that the Mayor for the Time being shall always have carried before him when he goes to the Guild Hall or other Place of Assembly, and upon all other solemn Occasions, two silver Maces guilt not exceeding Three Feet and a Half in Length, and that the said Mayor and Aldermen may always upon such solemn Occasions wear Scarlet Serge Gowns all made after one Form or Fashion, such as shall be thought most convenient for that hot Country by the said Mayor and Aldermen, or the greater Part of them which shall be present at any Meeting for that Purpose; and that all the Burgesses now nominated, or hereafter to be nominated, or elected in Manner and Form hereafter mentioned, shall and may upon such solemn Occasions wear White Pelong or other White Silk Gowns after one Form and Fashion, to be agreed as aforesaid by the said Mayor and Aldermen, or the major Part of them that shall be present at any such Meeting, with the Approbation of Our General of *India*, or of Our

Maces to be carried before the Mayor.

Gowns to be worn by the Mayor, Aldermen and Burgesses.

President of *Fort St. George.* And Our further Mind and Will is, that the said Mayor and Aldermen, or the major Part of them (whereof the Mayor for the Time being to be One), may elect Two Sargeants which always shall be attendant on the Mayor, and shall always be Englishmen born, which Sargeants are to be ye Mace Bearers, and to give always the same Respect to the Mayor, Aldermen and Burgesses aforesaid as is paid and given by the Sargeants of *London* to the Lord Mayor, Aldermen, and Liverymen of the City of *London;* and in case of the Death or Removal of either of the said Sargeants (which Removal We will shall always be at the Pleasure of the said Mayor and Aldermen, or the major Part of them) a new One is always to be elected by the said Mayor and Aldermen of the Corporation of our Town of *Fort St. George* and *Madrasspatnam* aforesaid; and the said Sargeants are hereby empowered and required duly to execute all such Orders and Warrants as they shall from Time to Time receive from the said Mayor and Aldermen, or the greater Part of them (the Mayor for the Time being, being always One), within the Limitations and Provisoes before herein mentioned. The said Mayor and Aldermen may likewise appoint one other Officer to be Goaler or Keeper of the common Prison belonging to the said Corporation and him to change and alter at their Pleasure, who is from Time to Time to follow and obey all such Orders as he shall receive from the said Court of Aldermen; and they the said Mayor and Aldermen may appoint, raise pay and allow such moderate and convenient Salaries and Fees to the said inferior Officers, the Sargeants and Gaoler, as to the said Court of Aldermen shall seem meet and convenient; but none of the said inferior Officers are to take upon them the exercise of the said Offices until they have first made Oath before the Mayor and Two Aldermen of the said Corporation, that they will have and bear true Faith and Allegiance to Our Sovereign Lord the King, His Heirs and Successors, and that they will be true and faithfull to Us and Our General of *India* for the Time being, and that they will duly and truly execute their respective Offices without taking any other or greater Fee or Fees or Reward than what shall be established or appointed for them by the said Mayor and Court of Aldermen, or the major Part of them (the Mayor for the Time being being One).

Sargeants and Mace Bearers.

Recorder.

AND Our further Mind and Will is, and We do hereby grant and ordain for Us and Our Successors to the said Mayor, Aldermen and Burgesses and their Successors, that the said Mayor and Aldermen may elect and nominate from Time to Time one discreet Person skilfull in the Laws and Constitutions made by Us are hereafter to be made by Us for the good Government of Our Town of *Fort St. George* and Citty of *Madrasspatnam* and all the Inhabitants thereof, to be Recorder of the said Corporation, who is always to be an Englishman born and Our Covenant Servant at the Time and during all the Time of his being Recorder of the said Corporation, and is to have Place and Session next after the Mayor for the Time being, and to be Assistant to the Mayor in trying, judgeing, and sentenceing all Causes of any considerable Value or Intricacy when he can be present from other more weighty Affairs; and he is always to have, when he can be present, Vote and Suffrage in the said Court of Aldermen as if he were actually nominated by Us or elected according to the Form aforesaid to be One of the Aldermen of the said Corporation; and he is before he enters upon the Exercise of his said Office of Recorder to take the

same Oath of Allegiance to His Majesty Our Sovereign, and Fidelity to Us, and that he will truly execute the Office of Recorder as other Officers aforesaid have respectively or ought to do.

Three of the Aldermen to be Covenant Servants.

And Our further Mind and Will is, that always Three or more of the Aldermen for the Time being shall be Our Covenant Servants, and hold and exercise their Office of Aldermen no longer than during such Time only as they shall be and remain in Our Service; and if we shall see any Cause at any Time hereafter to remove them or any of them, Three Aldermen being Englishmen, from Our Service, they shall from the Time of such Removal from Our Service *ipso facto* cease to be Aldermen, and from haveing any further Vote or Suffrage in the Court of Aldermen aforesaid, notwithstanding anything aforesaid in this Charter to the contrary; and in case of such Removal of any of Our Servants (being Aldermen) from Our Service, the Residue of the Court of Aldermen and Burgesses as aforesaid at some general Assembly for that Purpose in convenient Time after may proceed to elect such other Englishmen being in Our Service to be Aldermen in the Room or Stead of those displaced by Ourselves as to the major Part of the said Aldermen and Burgesses shall seem most meet and convenient, which new elected Aldermen before they enter upon the Exercise of the Office of Aldermen are to take the customary Oath before prescribed.

Mayor's Court may punish offenders by Fine, &c.

And We do further grant and ordain for Us and Our Successors to the Mayor, Aldermen and Burgesses aforesaid and their Successors, that the said Mayor and Aldermen, or the major Part of them that shall be present at the hearing of any such Cause, may, in all Cases of Misdemeanour, Breach of the Peace, Battery, Assault, Trespass or other Criminal Offence, punish the Offender or Offenders by Fine, Amerciament, Imprisonment, or corporal Punishment, at the Discretion of them the said Mayor and Aldermen, or the major Part of them that shall be present as aforesaid, and that all such Fines and Amerciaments shall for ever be One Half to ye Use of the said Mayor, Aldermen and Burgesses, and the other Half to the Use of Us and Our Successors, Our Half Part whereof shall be annually accompted for and paid to Our General, or in his Absence to Our President of *Fort St. George* for Our Use as aforesaid.

Election of Burgesses.

And We do further grant and ordain for Us and Our Successors to the Mayor, Aldermen and Burgesses aforesaid and their Successors, that the said Mayor and Aldermen, or the major Part of them which shall be present at any Court of Aldermen, may from Time to Time and at all Times hereafter elect and choose so many other honest and discreet Persons as they shall think fit to be made Burgesses of the said Corporation, and such Persons so nominated and elected by the Mayor and Aldermen or the major Part of them (the Mayor being One) shall from the Time of such Election be and shall be esteemed and taken for good or lawfull Burgesses of the Corporation aforesaid, they so elected taking the Oath or Oaths before appointed for that Purpose before they enter upon the Office or Employment of a Burgess, or have Vote or Suffrage in any general Assembly of the Mayor, Aldermen and Burgesses.

Penalty on persons refusing to accept Office as Aldermen or Burgesses.

And furthermore We grant and ordain for Us and Our Successors to the Mayor, Aldermen and Burgesses and their Successors, that if any Person or Persons nominated in this Our Charter to be Aldermen or Burgesses in the Corporation aforesaid, or any other Person or Persons that shall hereafter be

nominated or elected to be Aldermen or Burgesses in the said Corporation in the Manner aforesaid, shall neglect or refuse to accept of the said Office unto which he is appointed or shall hereafter be elected, every Person so refusing shall forfeit Five Pagodas, to be paid by each Refuser or levied by Distress upon their Goods and Chattels, one Moity of which Fines is to be for the Use of Us and Our Successors, and the Moity to the Use of the said Corporation.

Deputy Mayor to be appointed during Mayor's sickness or absence.

AND We do further grant and ordain for Us and Our Successors to the said Mayor, Aldermen and Burgesses and their Successors, that if it shall happen that the Mayor of the said Corporation for the Time being shall be sick or to go out of Town upon some necessary Occasion that he cannot attend the Business of the Corporation, in such Case and as often as Need shall require, it shall be lawfull for the Mayor of the Corporation aforesaid to make and constitute One good and discreet Man of the Aldermen to be Deputy Mayor for and during the Sickness or Absence of the Mayor of the Corporation aforesaid, which Alderman being so made Deputy Mayor may do all and singular Things which the Mayor of the Corporation by virtue of this Charter might do if he were in Health and present, first taking an Oath before the Mayor and Two Aldermen for the Time being to do all Things faithfully and rightly according to his best Skill and Power which belongs to the Duty of Deputy Mayor; and this may be done so often as there shall be cause for it.

Appointment of First Recorder.

AND We do hereby concede and appoint that Sir *John Biggs*, Knight, Judge of Our Supreme Court of Judicature aforesaid, shall be the First and Modern Recorder of the Corporation aforesaid, and shall and hath hereby Power to do and execute all Things that belong to the Duty of a Recorder.

Cash Chest.

AND We do further grant, and Our Successors, to the Mayor, Aldermen and Burgesses aforesaid and their Successors, that the Mayor of the said Corporation for the Time being shall always be One of the Cofferers or Cash Keepers for the Corporation aforesaid, and shall always have the Custody of One Key of the Cash Chest belonging to the said Corporation, which Cash Chest shall be kept in the Inner Council Chamber of the Town Hall, and shall be secured by Three Locks and Keys, whereof Two of the Aldermen shall be likewise Cofferers or Keepers of the other Two Keys, and shall for that Purpose be nominated and elected thereunto by the major Suffrage of any General Court of Mayor, Aldermen and Burgesses that shall be duly assembled for that Purpose; and the said Cofferers so to be elected shall, each of them, before they enter upon that Trust, take an Oath to discharge it truly and faithfully, according to such Form as shall be devised by the Court of Aldermen or the major Part of them.

Town Clerk to be elected,

AND We do further give and grant for Us and Our Successors to the Mayor, Aldermen and Burgesses aforesaid and their Successors, that the said Mayor and Aldermen at their Discretion, or the major Part of them, may choose and elect One able and discreet Person to be their Town Clerk and Clerk of the Peace, who is always to be an Englishman born, but well skilled in the Languages of *East-India*, and is to be Assistant to the Mayor and Aldermen in all such Businesses and Employments as they shall require of him, and is to keep all the Records of the said Court that shall be committed to him by the said Mayor and Aldermen, and to keep a Register of all Proceedings, Judgements, and Sentences passed by the said Court, and to have and receive for his Pains and Care in that Business such Salary and such

moderate Fees (and no other) as the Court of Aldermen shall appoint; and We do hereby declare that the Person so elected for that important Employment shall be always esteemed a Notary Publick, and is hereby qualified to do any Act or Thing, or make any Testimonials that are proper and do appertain to the Duty of a Notary Publick, unto which Acts and Testimonials the Mayor of the said Corporation for the Time being may affix the Publick Seal of the said Corporation, for which the said Mayor, or whoever he shall appoint, may receive and demand the Duty of Six Fanams for every Time the Publick Seal of the Corporation shall be affixed to any Testimonial.

and to be esteemed a Notary.

AND further We grant, ordain, and constitute for Us and Our Successors to the Mayor, Aldermen and Burgesses aforesaid and their Successors, with the Consent and Approbation of Our Sovereign Lord the King testified by His Most Excellent Majesty prefixing His Royal Sign Manual to this Charter, that the Mayor and Aldermen being hereby constituted a Court of Record within our Town of *Fort St. George* and City of *Madrassapatam*, shall at all Times hereafter and from Time to Time have Authority to administer assertory Oaths to Witnesses in all Cases that shall be brought before them, and that the Mayor or any of the Justices of the said Corporation may likewise administer assertory Oaths or any other lawfull Oath or Oaths.

Mayor's Court and Justices authorized to administer Oaths.

PROVIDED always, and We do hereby reserve full Power and Authority to Us and Our Successors from Time to Time and for all Times hereafter, and the like Power and Authority We do reserve to Our General and Council of *India* for the Time being, and in the Absence of Our General of *India*, to Our President and Council of *Fort St. George*, and at all Times hereafter under our Common Seal, or under the Hands and Seals of Our said General and Three of Our Council of *India*, or in Our General's Absence under the Hands and Seals of Our President and any Three of Our Council of *Fort St. George*, to remove and put out of Office any Mayor, Recorder, Justice or Justices, Alderman or Aldermen, Burgess or Burgesses of the Corporation aforesaid, or the Town Clerks or Sargeants of the said Corporation, as often as We or Our Successors, or Our General and Three of Our Council of *India* or Our President and Three of Our Council of *Fort St. George*, shall think fitt, and in the Room or Stead of them or any of them so removed to place such others as they shall think fitt, by such Order as We or they shall think fitt, by such Order as aforesaid under Our Common Seal, or under the Hands and Seals of Our General of *India* and any other Three of Our Council of *India*, or under the Hands and Seals of Our President and any Three of Our Council of *Fort St. George*; and all such Persons removed by Order as aforesaid shall be and be taken to be actually removed *ipso facto* to all Intents and Purposes, anything in this Our Charter aforesaid to the contrary in any wise notwithstanding: and all Persons as shall by Order under Our Common Seal, or other Orders as aforesaid of Our General and Council of *India*, or Our President and Council of *Fort St. George*, be placed in the Rooms or Steads of others removed, shall be to all Intents and Purposes as rightly and truly Mayor, Recorder, Justice or Justices, Alderman or Aldermen, Burgess or Burgesses, Town Clerk, Sargeant or Sargeants as if they had been particularly nominated by their proper Names and Surnames in this Our present Charter.

Power reserved to remove and replace Mayor, &c.

AND further We The said *Governor and Company* for Us and Our Successors do give, grant and concede to the Mayor, Aldermen and Burgesses afore-

Freemen of the Corporation.

said and their Successors, that they and every of them and their Children for ever of what Nation, Religion, or Cast soever they be or shall be, and all their Servants bred up in merchandizing of what Nation, Religion, or Cast soever they be or shall be, shall for ever have and enjoy the free Exercise of their respective Religions within the aforesaid Precincts of the said Corporation in which they have been born and educated, and shall always have and enjoy the same Liberty and Freedom of Trade from and to *Fort St. George* and *Madrassapatam* aforesaid to any Ports or Places in *India* in any Commodity or Commodities whatsoever which We have or shall not hereafter reserve to the General Joint Stock of this Company, and in the same Manner may Trade and Traffick from *India* to *England*, and from *England* to *India*, with the same Liberty, Freedom and Indulgence which We have or shall grant to any natural born Englishmen which are or are not the Company's Servants, or which any English Merchant or Merchants being Freeman or Freemen of this Company may lawfully claim, have, or enjoy, they paying to Us and Our Successors no other or greater Custom or Duty or Dutys at any Time hereafter on any Pretence whatsoever than the natural born Subjects of our Sovereign Lord the King and the Freemen of this Company do and shall pay, they the said Freemen to be hereafter made or admitted, and every of them, at their Admission to the Priviledges of being a Freeman of the said Corporation which intitles them to the same Immunities and Priviledges of the English Freemen of this Company although they be not or shall not hereafter be made or chosen Burgesses, taking the same Oath that the Freemen of this Company take at their Admission and giving a small Sum of Money to the Poor's Box of the said Corporation towards the Relief of the poor Freemen that are or hereafter shall be of the said Corporation, at the Discretion of and according to the Ability of the Party that desires to be made free.

Mayor and Aldermen may have Rundelloes and Kettysols born over them,

AND We The said *Governor and Company* for Us and Our Successors do give, grant, and concede to the said Mayor, Aldermen and Burgesses and their Successors, that the said Mayor and Aldermen shall have and for ever enjoy the Honour and Priviledge of wearing Rundelloes and Kettysols born over them when they or any of them walk or ride abroad on their necessary Occasions at all Times within the Limits of the said Corporation, and that when the said Mayor and Aldermen go to their Guild Hall and Court House, or upon any other solemn Occasion they may ride on Horseback in the same Order as is used by the Lord Mayor and Aldermen of London, having their Horses decently furnished with Saddles, Bridles, and other Trimmings after one Form and Manner as shall be devised and directed by Our President and Council of *Fort St. George*. And Our further Will and Mind is, and We hereby grant for Us and Our Successors to the said Mayor, Aldermen and Burgesses and their Successors, that the said Mayor, Aldermen and Burgesses, and likewise all other Persons as aforesaid that shall hereafter be admitted and sworn by the said Mayor and Aldermen to be Freemen of the said Corporation, (which Power of Admission of Persons to be Freemen of the said Corporation We hereby grant and concede to the said Mayor and Court of Aldermen, or the major Part of them, the Mayor being One), may build and employ for their own Account any Ships or Vessels for their own Use or Uses, or purchase Parts of English or other Ships at their Discretion, and may enjoy all other Rights and Priviledges whatsoever which any Englishman born or any Freeman of this Company can have or may enjoy.

and may ride on horseback.

Mayor, Aldermen, Burgesses and Freemen may build and employ ships on their own account.

AND further We grant and concede for Us and Our Successors to the Mayor, Aldermen, or the major Part of them (the Mayor being One), that the said Mayor and Aldermen (which Our Mind and Will is shall be called the Court of Aldermen) may as aforesaid, and in Manner aforesaid, make what Number of Freemen they think fitt without Stint or Limitation of the Number; but We will and do always provide that the said Freemen so to be hereafter elected and made shall have no Vote or Suffrage in the electing of Officers of the said Corporation, anything aforesaid to the contrary notwithstanding: Provided likewise, and We do hereby ordain, limit, and appoint, that the Number of Burgesses now herein nominated by Ourselves, together with those to be hereafter on any Pretence whatsoever, in the whole make above or exceed the Number of One Hundred and Twenty Burgesses at One Time. And Our Mind and plain Meaning is, that no Freeman of the said Corporation, but only the Mayor, Aldermen and Burgesses for the Time being, shall at any Time have Vote or Suffrage in the choosing of any Officer or Officers belonging or hereafter to belong to the said Corporation.

Court of Aldermen may make what number of Freemen they may think fit, without votes.

But number of Burgesses not to exceed 120,

and only Mayor, Aldermen and Burgesses to have votes.

IN WITNESS whereof We have caused our larger Seal to be hereunto affixed at the *East-India House* in *London* this Thirtieth Day of *December*, *Anno Domini*, One Thousand Six Hundred Eighty-seven, and in the Third Year of the Reign of Our said Sovereign Lord *James* the Second by the Grace of God, King of *England*, *Scotland*, *France* and *Freland*, Defender of the Faith, &c.

In Witness, &c.

(*Vera Copia.*)

Transcribed. (Signed) THOMAS WRIGHT.

(Signed) CORNELIUS MOLL. ,, CORNELIUS MOLL.

CHARTER GRANTED TO THE UNITED COMPANY OF MERCHANTS OF ENGLAND, TRADING TO THE EAST-INDIES,

Bearing Date the Twenty-fourth of *September*, in the Thirteenth Year of the Reign of *GEORGE* I., *Anno Domini*, One Thousand Seven Hundred and Twenty-Six.

GEORGE, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting: Whereas Our Well-beloved Subjects, The *United Company of Merchants of England, Trading to the East-Indies*, have, by a strict and equal Distribution of Justice, within the Towns, Forts, Factories and Places, belonging to the said Company, in the *East-Indies*, and other Parts beyond the *Cape of Good Hope* to the Streights of *Magellan*, very much encouraged, not only Our own Subjects, but likewise the Subjects of other Princes, and the Natives of the adjacent Countries, to resort to, and settle in the said Towns, Forts, Factories and Places, for the better and more convenient carrying on of Trade; by which Means some of the said Towns, Factories and Places, are become very populous, and especially the Town, or Place, anciently called *Chinapatnam*, now called *Madraspatnam*, and *Fort St. George*, on the Coast of *Coromandel*, and also the Towns, Factories or Places, called *Bombay*, on the Island of *Bombay*, and *Fort William*, in *Bengal*, in the said *East-Indies*, and Parts aforesaid: And whereas, in Pursuance of the Privileges and Powers, granted to the said Company, by Our Royal Predecessors, the said Company have constituted and appointed, within the Factories herein before-mentioned, several Officers, by the Names of Governor and Council, or President and Council: And whereas there is great Want, in all the said Places, of a proper and competent Power and Authority, for the more speedy and effectual administering of Justice, in Civil Causes, and for the trying and punishing of Capital and other Criminal Offences and Misdemeanors committed within the Places and Districts aforesaid, and in other the said Company's Settlements, within the Limits of Trade granted to them, and for the better Government of the several Factories belonging to the said Company, within the same. And whereas the said Company have humbly applied to Us, by Petition, setting forth, as herein before is set forth and suggesting that for as much as the granting to the said Company such Powers as may conduce to the punishing of Vice, and administering of Justice, and the better governing the said Company's Factories and Settlements Abroad, will not only tend to the Advancement of those good Ends, but also to the Increase of that Branch of the National Trade which is carried on to the *East-Indies*, as well as to the Increase of Our Revenues arising from the same; the said Company, therefore, by their said Petition, humbly besought Us to grant to the said Company, the several Powers, Privileges and Franchises, hereafter in these Presents contained; We, having considered the Premises, and being desirous to afford all fitting Assistance, and Encouragement, to the said Company, and for advancing of Trade, and promoting of Justice, and being well assured, that the establishing proper Courts of Justice will very much contribute thereunto,

Recital that the Company had, by exercising strict Justice, encouraged the Resort of Inhabitants, at their Settlements.

And had appointed Governors and Councils.

And that there was great want of proper authority for administering Justice.

And the Company's Petition for the privileges hereinafter contained.

His Majesty being desirous of giving them all fitting Encouragement,

have, therefore, by Virtue and in Pursuance of several Powers, granted to, and vested in Us, by several Acts of Parliament heretofore passed in that Behalf, and in Performance of divers Covenants between Our Royal Predecessors and the said Company, for the granting to them all further reasonable Powers, and Privileges, for the better Improvement and carrying on their Trade, and of Our special Grace, certain Knowledge and mere Motion, given and granted, and, by these Presents, do, for Us, Our Heirs and Successors, give and grant, to the said Company and their Successors, and do, by these Presents, ordain, direct, establish and appoint, that there shall be, for ever hereafter, within the said Town or Factory of *Madraspatnam* aforesaid, One Body Politick and Corporate, by the Name of Mayor and Aldermen of *Madraspatnam;* and that such Body Politick and Corporate shall consist of a Mayor and Nine Aldermen, Seven of which said Aldermen, at least, together with the Mayor for the Time being, shall be natural born Subjects of Us, Our Heirs or Successors, and the other Two Aldermen may be Subjects of any other Prince, or State, in Amity with Us; and that the said Body Corporate, by Name aforesaid, shall have perpetual Succession, and shall and may be Persons able and capable in Law to sue and be sued in any Courts and Causes whatsoever; and shall and may have a Common Seal for the Business and Affairs of the said Corporation, which Common Seal they and their Successors may break and change at their Pleasure.

Doth hereby direct that there shall be a Mayor and Aldermen, at Madraspatnam; who shall be a Body Corporate;

and have a Common Seal, which may be broken or changed, at Pleasure.

And We do hereby further for Us, Our Heirs and Successors, will, grant and appoint, that *Richard Higginson*, Esq., shall be the First and modern Mayor of the said Town or Factory of *Madraspatnam* aforesaid, and *Edward Croke*, *Richard Carter*, *Duncombe Monroe*, *Robert Woolley*, *Abraham Wessel*, *John Powney*, *Francis Rouse*, *Luis De Medeiros*, and *Thomas Way*, Merchants, shall be the First and modern Aldermen thereof; which said Mayor and Aldermen shall, at a Time to be appointed for that Purpose by the Governor or President, or, in his Absence, by the Two Senior of the Council of *Fort St. George*, residing there, within Thirty Days after Notice of this Our Charter, take an Oath duly to execute their respective Offices, together with the Oath of Allegiance; which Oaths the said Governor or President, or, in his Absence, the Two Senior of the Council residing at *Fort St. George* aforesaid, are hereby empowered to administer; and that, from the Time of taking the said Oaths of Office and Allegiance, the said Mayor shall continue in the said Office for the Space of One Year, and until another Person shall be duly elected and sworn into the said Office: And We do, by these Presents, appoint the said Persons herein before nominated to be Aldermen of *Madraspatnam*, to continue in their respective Offices of Aldermen, from the Time of taking such Oaths as aforesaid, for and during the Term of their natural Lives, unless removed in such Manner as herein after is mentioned: And We do further, for Us, Our Heirs and Successors, give and grant to the said Company and their Successors, and We do, for Us, Our Heirs and Successors, will and direct, that it shall and may be lawful to and for the said Mayor and Aldermen of *Madraspatnam*, for the Time being, or the major Part of them, yearly and every Year, on the Twentieth Day of *December* (unless the same happens on a *Sunday*, in which Case We appoint it to be on the next Day) to assemble themselves, and to proceed to the Election of a new Mayor out of the Aldermen of the said Town of *Madraspatnam* for the Time being, which Mayor, when elected, as soon as

First Mayor and Aldermen appointed;

who shall take an Oath of Office and Oath of Allegiance;

Mayor to continue for one Year.

Alderman to continue for Life, unless removed:

Election of Mayor to be annually on 20th December, except when on a Sunday;

conveniently may be, shall be presented to the Governor, or President and Council of *Fort St. George* aforesaid, and shall take the usual Oath of Office, and the Oath of Allegiance, before the said Governor or President, or, in his Absence, before the Two Senior of the Council residing at *Fort St. George* aforesaid, who are hereby authorized to administer the same, and shall continue in such Office for the Space of One whole Year, from the Time of such swearing, and until another shall be duly elected and sworn into the said Office; and in case any Mayor shall happen to die in his said Office, the Aldermen, for the Time being, or the major Part of them, shall and may, as soon after as conveniently they can, upon reasonable Notice to be given in that Behalf, by the Senior Alderman, then residing at *Fort St. George* aforesaid, assemble and elect One of the said Aldermen to be Mayor for the Remainder of the Year, to be presented and sworn as aforesaid.

Mayor to be sworn;

In case of the Death of any Mayor, another Alderman to be elected.

AND We do further, for Us, Our Heirs and Successors, ordain and appoint, that the Mayor of *Madraspatnam*, herein before nominated, and every other Person, who shall hereafter be Mayor of the said Town of *Madraspatnam*, shall, after the Determination of his Office of Mayor, be One of the Aldermen of the said Town, according to the Tenour of these Our Letters Patents: And Our further Will and Pleasure is, that so often as any of the Aldermen of the said Town shall die, or be removed, the said Mayor and Aldermen, for the Time being, or the major Part of them, shall and may, upon reasonable Notice, or Summons, to be given in that Behalf, assemble and elect some other fit Person, out of the principal Inhabitants of the said Town of *Madraspatnam*, into the said Place of Aldermen, who shall, within Fourteen Days after his Election, take the Oath of Office, and the Oath of Allegiance, before the Governor or President, or, in his Absence, the Two Senior of the Council, residing at *Fort St. George* aforesaid, and shall continue in such Office during his Life, unless removed in such Manner as herein after is mentioned; and that, before any Election shall be made of any Mayor, the several Vacancies in the Places of Aldermen shall be first filled up.

Mayor after Expiration of his Office, to continue Alderman:

Aldermen to be elected out of the principal Inhabitants.

AND We do hereby, for Us, Our Heirs and Successors, give and grant, to The said *United Company* and their Successors, and do, by these Presents, for Us, Our Heirs and Successors, ordain and direct, that it shall and may be lawful to and for the said Governor or President and Council, for the Time being, or the major Part of them (whereof the Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) upon reasonable Cause, to remove any of the said Aldermen, so as there be a Complaint, in Writing, first exhibited against him, and he have a reasonable Time given him to make his Defence, and be summoned for that Purpose, in case he be resident within the Limits and Precincts of the said Town of *Madraspatnam*, at *Fort St. George;* but in case any Person, being a Subject of Us, Our Heirs and Successors, shall think himself aggrieved by any such Sentence or Adjudication of Removal, such Person may, within Fourteen Days after such Removal, appeal to Us, Our Heirs or Successors, in Council, as is usual in Cases of Appeal from any of Our Colonies in the *West-Indies*, upon giving Security to pay the Costs of such Appeal, in case such Sentence or Adjudication be affirmed.

Aldermen may be removed by the Governor and Council, on reasonable Cause:

Party aggrieved by any Removal, may appeal to the King, in Council, within 14 Days.

AND Our further Will and Pleasure is, that in case any of the Persons herein before nominated to be Mayor or Alderman of *Madraspatnam* aforesaid,

In case of the Death, or departure from India of the Mayor

shall happen to die, or depart the *East-Indies*, before Notice of this Our Charter, or before they shall be sworn into their respective Offices, it shall be lawful for the Governor and Council, or President and Council, of *Fort St. George* aforesaid, for the Time being, or the major Part of them (whereof the Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) to nominate any other fit Person or Persons, out of the principal Inhabitants of the said Town of *Madraspatnam*, to be the modern Mayor, or Aldermen, and to admit and swear him, or them, into their respective Office, or Offices, as herein before is appointed.

or Aldermen before named, Governor and Council may appoint others.

And further We do, for Us, Our Heirs and Successors, give and grant to the said Company and their Successors, and We do hereby ordain, direct and appoint, that the Mayor and Aldermen, for the Time being, of *Madraspatnam* aforesaid, shall for ever hereafter be, and they are hereby constituted, a Court of Record, by the Name of the Mayor's Court at *Madraspatnam*, and they, or any Three or more of them (whereof the Mayor, or the Senior Alderman, for the Time being, to be One) may, and they are hereby authorized to try, hear and determine, all Civil Suits, Actions and Pleas, between Party and Party, that shall or may arise, or happen, or that have already arisen, or happened, within the said Town of *Madraspatnam*, or within any of the Factories subject or subordinate unto *Fort St. George* aforesaid, or to the said Governor or President, and the Council of *Fort St. George* aforesaid.

Mayor and Aldermen to be a Court of Record by the Name of the Mayor's Court at Madraspatnam.

And Our further Will and Pleasure is, and We do, for Us, Our Heirs and Successors, will, nominate and appoint, the Junior of the Council of *Fort St. George* aforesaid, at the Time of the Arrival of this Our Charter, or an Exemplification of the same, at that Place, to be Our Sheriff of *Fort St. George*, and the Town of *Madraspatnam*, and the District aforesaid, and for any Space within Ten Miles of the same; and We will and direct, that such Sheriff shall, at a Time to be appointed for that Purpose by the Governor or President, or, in his Absence, the Two Senior of the Council at *Fort St. George*, residing there, within Thirty Days after Notice of this Our Charter, take an Oath duly to execute his Office, together with the Oath of Allegiance, which Oaths the said Governor or President, or, in his Absence, the Two Senior of the Council, residing within the said Town of *Madraspatnam* are hereby empowered to administer; and that, from the Time of Taking such Oaths, the said Sheriff shall continue in his Office, for the Space of One Year, and until another shall be duly elected and sworn into the said Office.

The Junior of the Council to be Sheriff of Fort St. George and Madraspatnam and within 10 Miles of the same; to take an Oath of Office and Allegiance; and to continue in Office one Year.

And We do further, for Us, Our Heirs and Successors, will, ordain, direct and appoint, that the Governor, or President, and Council of *Fort St. George* aforesaid, or the major Part of them, shall yearly, on the Twentieth Day of *December*, unless the same happens on a *Sunday*, and then on the next Day, assemble themselves, and proceed to the Election of a new Sheriff, which Sheriff, when elected, as soon as conveniently may be, shall take the usual Oath of Office, and the Oath of Allegiance, before the said Governor or President, or, in his Absence, before the Two Senior of the Council, residing within the said Town of *Madraspatnam* (who are hereby authorized to administer the same) and shall continue in such Office, during the Space of One whole Year, from the Time of such swearing, and until another shall be duly elected and sworn into the said Office: And in case any such Sheriff shall die in his

New Sheriff to be elected annually on the 20th December, except when on a Sunday, and then on the Day following.

In case of Death,

another to be chosen for the Remainder of the Year.

Office, the said Governor or President and Council, or the major Part of them, shall and may, as soon as conveniently may be, assemble, and choose another Person to be Sheriff, in his Room, who shall be sworn, as aforesaid, and continue in his Office, for the Remainder of the Year; and the said Sheriff hereby appointed, and every other Sheriff to be elected and sworn as aforesaid, shall, during his and their Continuance in such Office respectively, have full Power and Authority to execute and make Return of all Process of the said Court, and of any other Court, erected by these Our Letters Patents, within the District aforesaid.

Proceedings in the Mayor's Court.

AND Our further Will and Pleasure is, and We do, by these Presents, for Us, Our Heirs and Successors, direct, ordain and appoint, that, upon Complaint to be made, in Writing, to the said Court, by, for, or on the Behalf of any Person or Persons, against any other Person or Persons whatsoever, then residing or being, or who, at the Time when such Cause of Action did or shall accrue, did or shall reside or be within the said Fort or Town, or the aforesaid Precinct, District, or Territories thereof, of any of the Causes of Suit aforesaid, already accrued, or which shall or may hereafter accrue, the said Court shall and may issue a Summons, in Writing, under the Hands and Seals of Two of the Judges of the said Court (whereof the Mayor for the Time being, or, in case of his Absence, the Senior Alderman then residing within the said Town of *Madraspatnam*, or *Fort St. George*, to be One) to be directed to the said Sheriff, requiring the Party or Parties Defendant or Defendants, to appear before them, at a certain Time and Place, therein to be appointed, to answer the said Complaint; and in Default of Appearance, upon return of the said Summons at such Time and Place, the said Court shall and may issue forthwith a Warrant, under the Hands and Seals of any Two of the Judges of the said Court (whereof the Mayor for the Time being, or the Senior Alderman then residing within the said Town of *Madraspatnam*, to be One) directed to the Sheriff for the Time being, to take the Body, or Bodies, of such Defendant, or Defendants, and bring him, her or them, before the said Court, at a certain Time and Place, therein to be appointed, to answer to the said Complaint; and in case of Appearance, or Arrest of the Body, or Bodies, of such Defendant, or Defendants, to let such Defendant or Defendants out to Bail, upon giving sufficient Security (which We do hereby empower the said Court to take) to abide and perform the final Order and Judgment of the said Court, or such final Order and Judgment as shall and may be given upon any Appeal to be brought in the said Cause, or to surrender himself to the said Court, to be charged in Execution, till the said Judgment shall be satisfied; and in Default of finding Bail, or giving such Security as aforesaid, to detain such Defendant or Defendants in Custody, until he or they shall have found such Bail, or have given such Security as aforesaid, or shall have Judgment or Sentence given for him, her or them, upon such Complaint; and after such Bail found, or Security given as aforesaid, or in case such Defendant, or Defendants, shall be detained in Custody for want of Bail or Security, We do hereby, for Us, Our Heirs and Successors, ordain, direct and authorize the said Court to proceed to the Examination of the Matter and Cause of Complaint, either upon the Oath, or Oaths, of any Witness, or Witnesses, in Writing, to be by him, her or them subscribed and taken in the most Solemn Manner (for which Purpose We do, by these Presents, empower and require the said Court

to administer an Oath, or cause the same to be administered, to such Witness, or Witnesses, as shall be produced on the Behalf of either Party, Plantiff or Defendant) or by the voluntary Confession of such Defendant or Defendants; and thereupon it shall be lawful for the said Court to give Judgment and Sentence according to Justice and Right, and to award and issue a Warrant or Warrants of Execution, under the Hands and Seals of Two of the Judges of the said Court (whereof the Mayor of the said Town or Factory of *Madras-patnam* for the Time being, or the Senior Alderman then residing within the same Town or Factory, to be One) to be directed to the Sheriff for the Time being, for levying the Debt, or Duty, adjudged or decreed to the Party or Parties complainant, together with Costs of Suit, upon the Goods and Chattels of such Defendant or Defendants, and to cause Sale to be made of the said Goods and Chattels, rendering to the Party the Overplus (if any be); and for Want of sufficient Distress, We do hereby, for Us, Our Heirs and Successors, give full Power and Authority to the said Court, to imprison the Defendant or Defendants, until Satisfaction be made by him, her or them, to the Plantiff or Plantiffs, of the Debt or Duty decreed or adjudged, together with the Costs of Suit; and in case Judgment shall be given for the Defendant or Defendants, We do hereby, for Us, Our Heirs and Successors, likewise give full Power and Authority to the said Court, to award Costs to such Defendant or Defendants, and to issue the like Process of Execution for the same, as in Cases where Costs are awarded to any Plantiff or Plantiffs; and to the Intent, that due Provision be made that there be no Failure of Justice, if the Defendant or Defendants shall withdraw him, or herself, or themselves, out of, or shall not be found within the Jurisdiction of the said Court, We do, by these Presents, give and grant, will, direct and appoint, that in case the Sheriff shall make return to such Summons, or Warrant of Arrest, that the Party or Parties Defendant or Defendants, therein mentioned, or any of them, is or are not to be found within the Jurisdiction of the said Court, it shall and may be lawful, to and for the said Court, upon an Affidavit or Proof, verifying the Demand of the Plantiff or Plantiffs in such Suit to the Satisfaction of the said Court, to grant a Sequestration to seize the Estate and Effects of such Party or Parties Defendant or Defendants, to such Value as the said Court shall think reasonable and shall direct in such Process of Sequestration, and the same to detain in the Hands of a proper Person to be appointed by the said Court, till such Party or Parties shall appear to the said Complaint and give Security as aforesaid; and in case the Party or Parties Defendant or Defendants shall not appear and give Security as aforesaid, within the Space of Six Months (unless it be shewed to the said Court, on the Behalf of such Defendant or Defendants, that he or they is or are residing in *Great-Britain*) then it shall and may be lawful, for the said Court to proceed to hear and determine the said Cause, and to give Judgment therein as aforesaid; and in case Judgment shall be given for the Plantiff or Plantiffs in such Suit, to direct the Effects, so seized, to be sold, and, out of the Produce thereof, to make Satisfaction to the Plantiff or Plantiffs for the Duty and Costs recovered, returning the Overplus, if any such shall be; and in case such Produce shall not be sufficient to make Satisfaction to the Plantiff or Plantiffs, then it shall and may be lawful for the said Court to award Execution for the Residue of the Duty and Costs recovered in Manner as aforesaid.

Mayor's Court may administer Oaths, frame Rules of Practice, and appoint Clerks and Officers.

AND We do hereby authorize the said Court to administer Oaths, and to frame such Rules of Practice, and nominate and appoint such Clerks and Officers, and to do all such other Things as shall be found necessary, for the Administration of Justice, and the due Execution of all or any of the Powers, given them, by these Presents.

Table of Fees to be approved by the Governor of Fort St. George.

AND Our further Will and Pleasure is, and We do hereby require and command, that a Table of the Fees to be allowed to such Clerks and Officers, shall be settled by the said Court, and approved and signed by the Governor or President of *Fort St. George* aforesaid, for the Time being, and shall be wrote out fair, and kept constantly fixed up in some visible and open Part of the Room, or Place, where the said Court shall be held.

Appeals may be made from the Mayor's Court to the Governor and Council, within 14 Days;

AND it is Our further Will and Intent, and We do, by these Presents, ordain and establish, that if any Person, or Persons, shall think him, her or themselves aggrieved by any Judgment, Sentence or Decree of the said Mayor's Court, that such Person, or Persons, shall or may, within Fourteen Days after such Judgment, Sentence or Decree of the said Court shall be entered of Record, appeal to the Governor or President and Council of *Fort St. George* aforesaid, for the Time being, whom, or any Three or more of them (whereof the Governor or President, or, in his Absence, the Senior of the Council residing there, to be One) We do hereby, for Us, Our Heirs and Successors, constitute, nominate and appoint, to be, for ever hereafter, a Court of Record, for that Purpose, to receive such Appeals, and to hear and determine the same, and to do all other Acts, Matters and Things, necessarily incident thereunto; whose Determination shall be final, if the Damages, Debt, or Thing directed to be paid, done or delivered, shall not exceed the Value of One Thousand Pagodas; but in case the same do exceed the Value of One Thousand Pagodas, then any Person or Persons, who shall think him, her or themselves aggrieved by such Judgment, Sentence or Decree, made on such Appeal, shall and may, within Fourteen Days after the Sentence, Judgment or Decree, given or made upon such Appeal, shall be entered of Record, appeal to Us, Our Heirs and Successors, in Council (as is usual in Cases of Appeal from any of Our Colonies in the *West-Indies*) upon giving Security to pay Interest after the Rate of Eight *per Cent.* for the Thing adjudged, or decreed to be paid, done or delivered, and the Costs of such Appeal, in case the said Judgment, Sentence or Decree shall be affirmed: And it is Our Will and Pleasure, that the Judgments, Sentences and Orders, of Us, Our Heirs and Successors, and of the said Governor or President and Council, made upon any such Appeals respectively, shall and may be put in Execution by the said Mayor's Court, in such Manner as an original Judgment of the said Court should or might have been.

whose Decrees shall be final, for all Sums not exceeding 1000 Pagodas; but above that Sum, Appeals may be made from the Governor and Council to the King in Council.

Governor and 5 Senior Members of Council to be Justices of the Peace.

AND We do further, for Us, Our Heirs and Successors, give and grant, unto the said Company and their Successors, and do, by these Presents, will, ordain, establish and appoint, that the Governor or President of *Fort St. George* aforesaid, and the Five Senior of the Council, according to their Precedency there, for the Time being, shall be Justices of the Peace, and have Power to act as Justices of the Peace in and for the said Town of *Madraspatnam*, and in and for *Fort St. George, Fort St. David, Vizagapatnam*, the Factories on the Coast of *Sumatra*, and all other the Factories subordinate to *Fort St. George* aforesaid, in the same or the like Manner, and with the same

or the like Powers, as Justices of the Peace constituted by any Commission or Letters Patents under Our Great Seal of *Great-Britain*, for any County, City or Town Corporate in *England*, do or may exercise such Office.

And to hold Quarter Sessions, for the Trial of all Offences, except High Treason;

AND Our further Will and Pleasure is, and We do, by these Presents, for Us, Our Heirs and Successors, give and grant to the said Company and their successors, that the Governor or President of *Fort St. George*, and the Five Senior of the Council, for the Time being, or any Three or more of them (whereof the Governor or President, or, in his Absence, the Senior of the Council, residing at *Fort St. George*, to be One) shall and may hold Quarter Sessions of the Peace, Four Times in the Year, within the District aforesaid, and shall at all Times hereafter be and constitute a Court of Record, in the Nature of a Court of Oyer and Terminer, and Gaol Delivery, and shall, from Time to Time, and at all Times hereafter, be Commissioners of Oyer and Terminer, and Gaol Delivery, for the trying and punishing of all Offenders and Offences (High Treason only excepted) had, committed or done, or to be had, committed or done, within the said Town of *Madraspatnam*, *Fort St. George*, or within any of the said Factories subordinate thereunto, or within Ten *English* Miles of any of the same respectively: And that it shall and may be lawful to and for the said Justices of the Peace and Commissioners of Oyer and Terminer and Gaol Delivery respectively, to proceed by Indictment, or by such other Ways, and in the same or in the like Manner, as is used in that Part of *Great-Britain* called *England*, as near as the Condition and Circumstances of the Place, and Inhabitants, will admit of; and, for that Purpose, to issue their Warrant, or Precept, to the Sheriff of the said District for the Time being, commanding him to summon a convenient Number of the principal Inhabitants within the said District, to serve and attend as a Grand and Petty Jury at the said Courts respectively; and that the said Justices of the Peace and Commissioners of Oyer and Terminer and Gaol Delivery respectively, shall and may administer to them the usual Oath taken in *England* by the Grand and Petty Jury, and also administer a proper Oath, in the most solemn Manner, to all Witnesses, to be produced for or against the Party to be tried; and that the said Justices, and Commissioners, shall and may respectively proceed to the Arraignment, Trial, Conviction, and Punishment of Persons accused of any Crimes or Offences (High Treason only excepted) in the same, or the like Manner and Form, as near as the Condition and Circumstances of the Place and Inhabitants will admit of, as any Our Justices of the Peace or Commissioners of Oyer and Terminer and Gaol Delivery in *England*, do or may proceed, by Virtue of any Commission by Us granted for that Purpose; and shall and may respectively do all other Acts that Justices of the Peace and Commissioners of Oyer and Terminer and Gaol Delivery usually and legally do; and that the said Court may assemble and adjourn, at and unto such Times and Places as they shall judge convenient: And We do hereby direct, that the Governor or President of *Fort St. George* aforesaid, shall, before the Council there, or the major Part of them, take an Oath faithfully to execute the said Offices of Justice of the Peace and Commissioner of Oyer and Terminer and Gaol Delivery, together with the Oath of Allegiance (which Oath they are hereby empowered to administer) and after the taking of such Oaths, We do hereby authorize the said Governor or President, to administer the same Oaths to such of the Council as shall, from Time to Time, be, by Virtue hereof, a Justice of Peace or Commissioner of Oyer and Terminer and Gaol Delivery.

and to be Commissioners of Oyer and Terminer.

Proceedings to be as like those in England as circumstances will admit of.

Grand and Petty Jury to be summoned;

and sworn.

Witnesses to be sworn.

Offenders to be tried and punished in the like manner as in England as near as circumstances will admit of.

Governor and Council to be sworn as Justices of the Peace.

Company authorized to appoint Generals,

And other Officers,

AND Our further Will and Pleasure is, and We do, of Our more abundant Grace, for Us, Our Heirs and Successors, give and grant unto the said Company and their Successors, by these Presents, full Power and Authority, from Time to Time, to name and appoint such Person, and Persons, as they shall think fit, to be General, or Generals, of all the Forces, by Sea and Land, of or belonging to the said Town of *Madraspatnam*, and the Towns, Places, and Dependencies of *Fort St. George* aforesaid; and to nominate, constitute and appoint, such and so many Commanders, and Military Officers, as to them shall seem meet and requisite, for the leading, conducting, and training up the Inhabitants of the said Town, Places and Limits, aforesaid, in Martial Affairs, and for the raising and maintaining such a Body of Standing Forces, within the said Towns and Limits aforesaid, and such a Number of Seamen, and Ships of Defence, as are or shall be necessary for the Defence and Safeguard of the same; and such General or Generals, and other Officers, or any of them, at the Pleasure of the said Company, to displace and amove: And that it shall and may be lawful, to and for the said General, or Generals, of the Forces, by Sea and Land, of or belonging to the said Town of *Madraspatnam*, and the Towns, Places, and Dependencies of *Fort St. George* aforesaid, and all and every such Commander, and Military Officers, that shall be so as aforesaid constituted and appointed, according to the Tenour of his and their respective Commissions and Instructions, to assemble, exercise in Arms, Martial Array, and put in warlike Posture the Inhabitants of the said Towns and Places, either by Sea or Land, for their especial Defence and Safety, and to lead and conduct them, and to encounter, repulse, expel and resist, by Force of Arms, as well by Sea as by Land, and also to kill, slay and destroy, by all fitting Ways, Enterprizes and Means whatsoever, all and every such Person or Persons as shall or may, at any Time hereafter, in an hostile Manner, attempt or enterprize the Destruction, Invasion, Detriment or Annoyance, of any of Our Subjects, within the said Towns and Factories, and Limits, or any of their Servants, or Persons dealing with them; and in Time of War, or open Hostility, to use and exercise Martial Discipline, and the Law Martial, in such Cases as Occasion shall necessarily require, and may legally be done; and to take and surprize, by all Ways and Means whatsoever, all and every such Person and Persons, with their Ships, Armour, Ammunition, and other Goods, as shall, in hostile Manner, invade, or attempt the defeating or Destruction of the said Towns and Places, or the Hurt of any of Our Subjects inhabiting there, or any of their Servants, or Persons employed by them, and, upon just Causes, to invade and destroy the Enemies of the same.

Who may exercise the Inhabitants in Arms; and may repel Force by Force; and exercise Martial Law in War Time.

[*Clauses relating to the Establishment of Corporations and Courts at Bombay and Fort William in Bengal.*]

Governors and Councils to make By-laws and Ordinances.

AND whereas it may be necessary, that certain By-Laws, and Ordinances, should hereafter be made, for the better Government and Regulation of the several Corporations hereby erected, and it is reasonable, that the Power of making such By-Laws and Ordinances should be subject to the Direction and Control of The said *United Company of Merchants of England, Trading to the East-Indies*, We do hereby, of Our more abundant Grace, for Us, Our Heirs and Successors, give and grant to The said *United Company* and their Successors, and do, by these Presents, for Us, Our Heirs and Successors, will, ordain and direct, that it shall and may be lawful, to and for the Governors or

Presidents and Councils, of the several Towns and Factories of *Madraspatnam*, *Bombay*, and *Fort William*, in *Bengal*, for the Time being, or the major Part of them respectively (whereof the Governor or President, or, in his Absence, the Senior of the Council then residing in each respective Factory, to be One) from Time to Time, to make, constitute and ordain, By-Laws, Rules and Ordinances, for the good Government and Regulation of the several Corporations hereby erected, and of the Inhabitants of the several Towns, Places and Factories aforesaid respectively, and to impose reasonable Pains and Penalties upon all Persons offending against the same, or any of them: Provided that all such By-Laws, Rules and Ordinances, and all Pains and Penalties thereby to be imposed, be agreeable to Reason, and not contrary to the Laws and Statutes of *England*: Provided also, that no such By-Law, Rule or Ordinance, shall be put in Execution, or have any Force or Effect whatsoever, until the same shall have been approved and confirmed, by Order, in Writing, of the Court of Directors of The said *United Company*, for the Time being, or the major Part of them, to be made at any meeting of such Court of Directors, to be held for that Purpose, upon reasonable Notice to be given thereof: Provided also, and We do hereby ordain and declare, that none of the Corporations hereby created, shall have a Power, or Authority, to make any By-Laws, Rules or Ordinances whatsoever, other than such Rules as they are respectively, by these Presents, expressly empowered to make.

To be approved by the Court of Directors.

AND whereas it frequently happens, that the Effects and Estates of Persons dying in the *East-Indies*, or Parts aforesaid, are wasted and embezzelled, and their Debts, contracted their, remain unpaid, for Want of a proper Authority vested in some Person, or Persons, residing in the *East-Indies*, or Parts aforesaid, to take care of the same, for the preventing of which Mischief, We do hereby, for Us, Our Heirs and Successors, give and grant to the said Company and their Successors, and do, by these Presents, ordain, establish and appoint, that where any Person shall die within the said Town of *Madraspatnam*, or *Fort St. George*, or the Limits thereof, or any of the Factories subordinate to *Fort St. George* aforesaid, the said Town of *Bombay*, in the Island of *Bombay*, or the Limits thereof, of the Factories subordinate thereto, or the said Town of *Calcutta*, at *Fort William*, in *Bengal*, or the Limits or Districts of the same, or the Factories subordinate thereto, and shall by his Will appoint any Person, or Persons, residing within the said Towns, or the Limits thereof, or the Factories aforesaid, to be his Executor or Executors, that, in such Case, the Mayor's Court, within the District or Jurisdiction whereof such Person shall happen to die, upon Proof made of the due Execution of the said Will shall, and they are hereby authorized to grant Probate of the said Will, under the Seal of the said Court, which We authorize them to provide and use for this and other necessary Purposes, whereby the Person or Persons, so named Executor or Executors, shall, have full and ample Authority to Act as Executor, or Executors, as touching the Debts and Estate of his, her or their Testator, within the Limits of Trade granted to the said Company; and where any Person shall die within any of the said Towns or Factories, or the Limits thereof, Intestate, or not having appointed some Person, or Persons, to be his Executor, or Executors, residing within the said Towns or Factories, or the Limits thereof, that, in either of these Cases, the said Mayor's Court, within the Jurisdiction whereof such Person shall happen to die, shall, and the

Mayor's Courts may grant Probate of Wills, and Administration to Intestates Estates.

same is hereby empowered to grant Letters of Administration, or Letters of Administration with an authentick Copy of the Will annexed, determinable upon any Executor, named in such Will, appearing in the said Court, and praying Probate thereof, as touching the Debts and Estate of such Person dying Intestate, or not naming such Executor as aforesaid, that shall be or arise within the limits of Trade granted to the said Company, to such Person, or Persons, then residing within the Jurisdiction of the said Court, as shall be next of Kin to the Person so dying; and in case no such Person shall be then residing within the Jurisdiction of the said Court, then to the Principal Creditor of the Person so dying; and for Want of any Creditor appearing, then to such other Person, or Persons, as shall be thought proper by the said Court; every such Person, or Persons, to whom Administration shall be granted, first giving Security, by Bond, with Two or more able Sureties (Respect being had to the Value of the Estate) to the Mayor of the said Town or Factory, with Condition in Manner and Form following, *mutatis mutandis, viz.*

Form of the Bond to be given by Administrators:

THE Condition of this Obligation is such, that if the above-bounden *A. B.* Administrator of the Goods, Chattels and Credits of *C. D.* deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said Deceased, which have or shall come to the Hands, Possession or Knowledge of him, the said *A. B.* or to the Hands or Possession of any other Person, or Persons, for him; and the same, so made, do exhibit or cause to be exhibited into the Mayor's Court of at or before the Day of next ensuing; and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits of the said Deceased, at the Time of his Death, which, at any Time after, shall come to the Hands or Possession of the said *A. B.* or into the Hands and Possession of any other Person, or Persons, for him, do well and truly administer, according to Law, and further do make, or cause to be made, a true and just Account of his said Administration, at or before the Day of and all the Rest and Residue of the said Goods, Chattels and Credits, which shall be found remaining upon the said Administrator's Account, the same, being first examined and allowed of by the Judges, for the Time being, of the said Court, shall deliver and pay, unto such Person, or Persons respectively, as shall be lawfully entitled to such Residue, then this Obligation to be void and of none Effect, or else to remain in full Force and Virtue.

Administrators to act within the Company's Limits of Trade.

AND it is Our Will and Pleasure, that such Person or Persons to whom Administration shall be so granted, shall and may act, in all Respects, as Administrator or Administrators, touching the Debts, Effects and Estate, of such Person or Persons to whom he or she shall take out Administration as aforesaid, which shall be, or arise, within the said Limits of Trade.

Mayor and Aldermen to take Oaths of Office and Allegiance.

AND We do further will and direct, by these Presents, that each Person, who is nominated and appointed, by these Presents, or shall hereafter be nominated, appointed or elected, to be Mayor, or One of the Aldermen, of any of the said Towns of *Madraspatnam*, at *Fort St. George*, or of *Bombay*, or *Calcutta*, at *Fort William*, in *Bengal*, shall, before he enters upon the Execution of his said Office, take an Oath, in the most solemn Manner, before the Governor or President, or, in his Absence, before any Two of the Council of such Town or Factory, whereof such Person is or shall be appointed or elected Mayor, or Alderman (whom We hereby authorize and empower to administer such Oath)

that he will, to the best of his Skill, duly and justly execute the Office of One of the Judges of the said Court, and impartially administer Justice, in every Cause, Matter or Thing, that shall come before him: Provided always, that no Person or Persons shall be capable of any of the Offices herein before mentioned, until he or they shall have taken the Oath of Allegiance to Us, Our Heirs and Successors; which Oath We do hereby empower the said respective Governors, or Presidents, or, in their Absence, the Two Senior of the Council then residing within the said respective Towns or Factories, to administer.

Charter to be taken in the most favourable Sense.

AND We do, for Us, Our Heirs and Successors, grant and declare, that these Our Letters Patents, or the Enrolment thereof, shall be, in and by all Things, valid and effectual in the Law, according to the true Intent and Meaning of the same; and shall be taken, construed and adjudged, in the most favourable and beneficial Sense, for the best Advantage of the said Company, as well in Our Courts of Record as elsewhere, notwithstanding any Non-recital, Mis-recital, Defect, Incertainty or Imperfection, in these Our Letters Patents.

In Witness, &c.

IN WITNESS whereof, We have caused these Our Letters to be made Patents. Witness Ourself, at *Westminster*, the Four and Twentieth Day of *September*, in the Thirteenth Year of Our Reign.

By Writ of Privy Seal.

COCKS.

CHARTER GRANTED TO THE UNITED COMPANY OF MERCHANTS OF ENGLAND, TRADING TO THE EAST-INDIES,

Bearing Date the Eighth of *January*, in the Twenty-sixth Year of the Reign of *GEORGE II.*, *Anno Domini*, One Thousand Seven Hundred and Fifty-three.

Recital, that by the Company's equal Distribution of Justice, in their Towns, &c. in India, People had been encouraged to settle there, whereby Fort St. George, Fort William, and Bombay, were become very populous.

GEORGE the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting: Whereas Our Well-beloved Subjects, The *United Company of Merchants of England, Trading to the East-Indies*, for several Years before the granting of the Charter first herein after mentioned, had, by a strict and equal Distribution of Justice within the Towns, Forts, Factories, and Places belonging to the said Company in the *East-Indies*, and other Parts beyond the *Cape of Good Hope* to the Streights of *Magellan*, very much encouraged, not only Our own Subjects, but likewise the Subjects of other Princes, and the Natives of the adjacent Countries, to resort to and settle in the said Towns, Forts, Factories and Places, for the better and more convenient carrying on of Trade, by which means some of the said Towns, Factories and Places, were become very populous, and especially the Town or Place anciently called *Chinapatnam*, now called *Madraspatnam*, and *Fort St. George*, on the Coasts of *Choromandel*, and also the Towns, Factories or Places, called *Bombay*, on the Island of *Bombay*, and *Fort William*, in *Bengal*, in the said *East-Indies*, and Parts aforesaid.

And of the charter of the 24th September, 1726, for establishing Municipalities at those Places.

AND whereas, in Pursuance of the Privileges and Powers granted to the said Company, by Our Royal Predecessors, the said Company, before the granting of the Charter first herein after mentioned, had constituted and appointed, within the Factories herein before mentioned, several Officers, by the Names of Governor and Council, or President and Council; but there being great Want in all the said Places of a Proper and competent Power and Authority for the more speedy and effectual administering of Justice in Civil Causes, and for the trying and punishing of Captial and other Criminal Offences, and Misdemeanors committed within the Districts and Places aforesaid, and in other the said Company's Settlements, within the Limits of Trade granted to them, and for the better Government of the several Factories, belonging to the said Company within the same, Our Royal Father, King *George* the First, of glorious Memory, upon the Petition of the said Company, setting forth to the Effect aforesaid, and suggesting that the granting to the said Company such PoPers as might conduce to the punishing of Vice, and administering of Justice, and the better governing the said Company's Factories and Settlements Abroad, would not only tend to the Advancement of those good Ends, but also to the Increase of that Branch of the national Trade, which is carried on to the *East-Indies*, as well as to the Increase of His Majesty's Revenues arising from the same, by Virtue and in Pursuance of

several Powers granted to and vested in Him, by several Acts of Parliament theretofore passed in that Behalf, and in Performance of divers Covenants between His Royal Predecessors and the said Company, for the granting to them all further reasonable Powers and Priviliges, for the better Improvement and carrying on their Trade, by His Letters Patents, under the Great Seal of *Great-Britain*, bearing Date, at *Westminster*, the Twenty-fourth Day of *September*, in the Thirteenth Year of His Reign, of His special Grace, certain Knowledge and mere Motion, did, for Himself, His Heirs and Successors, give and grant to the said Company and their Successors; and did thereby ordain, direct, establish and appoint, that there should be, for ever thereafter, within the said Town or Factory of *Madraspatnam* aforesaid, One Body Politick and Corporate, by the Name of the Mayor and Aldermen of *Madraspatnam;* and that there should be also, for ever then after, within the Town or Factory of *Bombay*, on the Island of *Bombay*, One other Body Politick and Corporate, by the Name of the Mayor and Aldermen of *Bombay;* and that there should be, for ever then after, also within the Factory of *Fort William*, in *Bengal*, One other Body Politick and Corporate, by the Name of the Mayor and Aldermen of *Calcutta*, at *Fort William*, in *Bengal*, the said Places or Factories being all within the limits of Trade, granted unto and vested in the said Company, by Virtue of several Acts of Parliament and Letters Patents in that Behalf.

And Courts of Justice.

AND Our said Royal Father was further graciously pleased, in and by His said Letters Patents, for himself, His Heirs and Successors, to ordain, direct and appoint, that the Mayor and Aldermen of *Madraspatnam*, the Mayor and Aldermen of *Bombay*, and the Mayor and Aldermen of *Calcutta*, at *Fort William*, in *Bengal*, aforesaid, respectively, for the Time being, should severally, for ever thereafter, be, and they were thereby constituted Courts of Record, by the several and respective Names of the Mayor's Court at *Madraspatnam;* the Mayor's Court at *Bombay;* and the Mayor's Court of *Calcutta*, at *Fort William*, in *Bengal;* with Power to hold Pleas in Civil Causes, and likewise to grant Probate of Wills, and Letters of Administration: And further, that the Governor or President, and Five Senior of the Council, for the Time being, at each of the Places aforesaid, according to their respective Precedencies, should be Justices of the Peace, and should also have Power to act as Justices of the Peace, and as Commissioners of Oyer and Terminer, and General Gaol Delivery; and that they, or any Three or more of them (whereof the Governor or President, or in his Absence, the Senior of the Council, at the respective Places or Factories aforesaid, to be One) might hold Sessions of the Peace, and should and might hold Courts of Record, in Nature of Courts of Oyer and Terminer, and Gaol Delivery, for trying and punishing such Offenders, and Offences, as in the said Letters Patents are mentioned; and might do all other Acts as Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery, usually and legally did, with such Powers, Jurisdictions and Authorities, and under such Regulations, and Restrictions, as in the said Letters Patents are at large mentioned, inserted, or contained.

Recital of the Letters Patents of 17th November, 1st George II, granting Fines and Forfeitures to the Company.

AND whereas, at the Instance of The said *United Company*, by Our letters Patents, under the Great Seal of *Great-Britain*, bearing Date, at *Westminster*, the Seventeenth Day of *November*, in the First Year of Our Reign, We were graciously pleased to give and grant, unto The said *United Company* and their

Successors, for ever, all such Fines, Amerciaments, Forfeitures, Penalties and Sums of Money whatsoever, as had been or should be ordered, charged, adjudged, set, or imposed, in or by the said respective Courts, or by the said Justices of the Peace, Commissioners of Oyer and Terminer, and Gaol Delivery, or any of them, or otherwise howsoever, by Virtue or in Pursuance of any of the Powers, Grants, Privileges or Authorities, in the said Letters Patents mentioned, upon any Person, or Persons, for or by Reason of any Contempts, Misdemeanors or Offences whatsoever, To have, hold, receive, levy, sue for, recover and enjoy the same, in as large and ample Manner, to all Intents and Purposes, as We, Our Heirs or Successors, could or might have had, held, received, levied, sued for, recovered and enjoyed the same, if the said Letters Patents had not been made, without any Account, or any other Matter or Thing, to be rendered or paid for the same, to Us, Our Heirs and Successors.

Recital of the Company's Petition to his Majestys, to accept a Surrender of the said Charters, and to grant them another Charter with Alterations.

AND whereas The said *United Company of Merchants of England, Trading to the East-Indies*, by their humble Petition, have represented unto Us, that in or about the Month of *September*, One thousand Seven Hundred and Forty-six, We being then engaged in a War with the *French* King, the *French* besieged and took the said Town of *Madraspatnam*, and turned out all Our Subjects, Inhabitants thereof, and continued in the Possession of the said Town until the same was restored unto them, in Consequence of the Treaty of Peace lately concluded at *Aix la Chapelle* between Us and the *French* King, and that by Reason of such the Possession of the *French*, the Mayor, and all or most of the Persons who at that Time were Aldermen of the said Town, were dispersed, and are since either dead or returned to *Great-Britain*, or settled in other parts of *India*, whereby, as they were advised, the said Mayor's Court at *Madraspatnam*, and all and every the Powers and Authorities by the said first mentioned Letters Patents given or granted for the Administration of Justice in Civil Causes there, were dissolved, and at an End: And The said *United Company*, by their said Petition, further humbly represented unto Us, that they had lately resettled the said Town of *Madraspatnam*, and that it would be a great Encouragement to Persons to come and settle therein, if a proper and competent Power and Authority was established there: And that it had been found by Experience that there were some Defects in the said first mentioned Charter, therefore, and that there might be an Uniformity in the Proceedings of the several Courts of Justice at the several Places and Factories aforesaid, they humbly besought Us to accept a Surrender of the said first mentioned Charter, so granted to them, for erecting Courts and Jurisdictions, Civil and Criminal, at *Fort St. George* at *Bombay*, and at *Calcutta*, at *Fort William*, in *Bengal;* and also a Surrender of Our said Charter or Grant of the Fines arising to Us, at those places; and that We would be graciously pleased to grant them another Charter for erecting other Courts or Jurisdictions, Civil and Criminal, with such Alterations from the former, and under such Regulations, as would tend to the better Administration of Justice in the Factories and Places aforesaid, and their Dependencies.

Recital of such Surrender and Acceptance.

AND whereas by Indenture bearing Date the Sixth Day of *January*, One Thousand Seven Hundred and Fifty-three, and made between Us of the One Part, and The said *United Company* of the other Part, and duly enrolled, The said *United Company*, for themselves and their Successors, did surrender and

yield up unto Us, Our Heirs and Successors, the Letters Patents granted by Our late Royal Father, bearing Date, at *Westminster*, the Twenty-fourth Day of *September*, in the Thirteenth Year of His Reign; and also Our said Letters Patents, bearing date, at *Westminster*, the Seventeenth Day of *November*, in the First Year of Our Reign, and all and every the Franchises, Powers, Jurisdictions, Rights, Privileges, Benefits, Advantages and Emoluments whatsoever, given and granted unto The said *United Company*, or unto or for their Use or Benefit, in or by the said Letters Patents, so made and granted by Our late Royal Father; and by the said Letters Patents so granted by Us, or either of them; and by the same Indenture, We did, for Ourselves, Our Heirs and Successors, accept of such Surrenders, under a Condition that such Surrenders should be of no Force, or Effect, until Thirty Days next after the Arrival, at the respective Places and Factories aforesaid, of such Charters as We did intend to grant, and should grant, for the erecting and holding of Courts of Justice, both Civil and Criminal, at the Places and Factories aforesaid respectively, and until the Officers of such Corporations and Courts respectively should have taken upon them, and qualified themselves, to hold and enjoy their respective Offices, and Employments, in such Manner as We should by such Charters direct.

The King, by Virtue of the Powers vested in him, by several Acts of Parliament, grants and establishes, at Madraspatnam, a Body Politick, and Corporate, by the Name of the Mayor and Aldermen of Madraspatnam;

We having considered the Premises, and being willing and desirous to afford all fitting Assistance, and Encouragement, to The said *United Company*, and for advancing of Trade, and promoting of Justice, and in Consideration of their Surrender of the aforesaid Charters, and Our Acceptance thereof, and to answer the good Ends and Purposes intended thereby, have therefore, by Virtue and in Pursuance of several Powers granted to and vested in Us, by several Acts of Parliament heretofore passed in that Behalf, and in Performance of divers Covenants between Our Royal Predecessors and the said Company, for granting to them all further reasonable Powers and Privileges, for the better Improvement and carrying on their Trade, and of Our special Grace, certain Knowledge and mere Motion, given and granted, and by these Presents do, for Us, Our Heirs and Successors, give and grant, unto the said Company and their Successors, and do by these Presents ordain, direct, establish and appoint, that there shall be, for ever hereafter, within the said Town or Factory of *Madraspatnam* aforesaid, One Body Politick and Corporate, by the name of the Mayor and Aldermen of *Madraspatnam*; and that such Body Politick and Corporate shall consist of a Mayor and Nine Aldermen, Seven of which said Aldermen, at least, together with the Mayor, for the Time being, shall be natural born Subjects of Us, Our Heirs or Successors; and the other Two Aldermen may be foreign Protestants, the Subjects of any other Prince, or State, in Amity with Us; and that the said Body Corporate, by the Name aforesaid, shall have perpetual Succession, and shall and may be Persons able and capable in Law to sue and be sued, in any Courts and Causes whatsoever; and shall and may have a Common Seal for the Business and Affairs of the said Corporation; which Common Seal they and their Successors may break and change at their Pleasure.

to consist of a Mayor and 9 Aldermen;

and to have a Common Seal.

The First Mayor and Aldermen named:

And We do hereby further, for Us, Our Heirs and Successors, will, grant and appoint, that *Cornelius Goodwin* shall be the next and modern Mayor of the said Town or Factory of *Madraspatnam* aforesaid; and *William Percival*, *Dawsonne Drake*, *Robert Clive*, *Samuel Banks*, *John Walsh*, *Samuel Greenhaugh*,

George Mackay, *Andrew Ross*, and *William Roberts*, Merchants, shall be the next and modern Aldermen thereof; which said Mayor and Aldermen shall, at a Time to be appointed for that Purpose by the Governor or President, or, in his Absence, by the Two Senior of the Council of *Fort St. George* then and there resident, within Thirty Days after Notice of this Our Charter, take an Oath duly to execute their respective Offices, together with the Oath of Allegiance; which Oaths the said Governor or President, or in his Absence, the Two Senior of the Council then residing at *Fort St. George* aforesaid, are hereby empowered to administer; and that from the Time of taking the said Oaths of Office and Allegiance, the said Mayor shall continue in the said Office, until another Person shall be duly elected and sworn into the said Office, as herein after is directed.

to be sworn;

The Mayor to continue in Office until another elected.

The Aldermen to continue in Office for Life, unless their Places shall be avoided.

AND We do, by these Presents, appoint the said Persons, herein before nominated to be Aldermen of *Madraspatnam*, to continue in their respective Offices of Aldermen, from the Time of taking such Oaths as aforesaid, for and during the Term of their natural Lives, unless their said Places shall be avoided, or themselves removed, in such Manner as herein after is mentioned.

The election of a New Mayor.

AND We do further, for Us, Our Heirs and Successors, give and grant unto the said Company and their Successors; and We do, for Us, Our Heirs and Successors, will and direct, that it shall and may be lawful, to and for the said Mayor and Aldermen of *Madraspatnam*, for the Time being, or the major Part of them, yearly and every Year, on the First *Tuesday* in *December*, to assemble themselves, and to proceed to the Election of Two Persons out of the Aldermen of the said Town of *Madraspatnam* for the Time being; and, within Three Days after every such Election, present such Two Persons to the Governor or President and Council of *Fort St. George* aforesaid; of whom the said Governor or President and Council, for the Time being, or the major Part of them (whereof the said Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) shall choose One of the said Two Persons to be Mayor of the said Town of *Madraspatnam*, for One Year, from the Twentieth Day of *December*, in every Year, and until another shall be duly elected and sworn into the said Office.

Mayor's Oaths;

AND We do further will and ordain, that the Person so chosen into the Office of Mayor, shall, on or before the Twentieth Day of *December* next after he shall be so chosen into his said Office as aforesaid, take the usual Oath of Office, and the Oath of Allegiance, before the said Governor or President, or, in his Absence, before the Two Senior of the Council then residing at *Fort St. George* aforesaid, who are hereby authorized and required to administer the same; and shall continue in such Office for the Space of One whole Year from the said Twentieth Day of *December*, and until another shall be duly elected and sworn into the said Office, in Manner before mentioned.

and Continuance in his Office.

In case of the Death of any Mayor, a New One to be chosen for the Remainder of the Year.

AND in case any Mayor shall happen to die in his said Office, the Aldermen, for the Time being, or the major Part of them, shall and may, as soon after as conveniently they can, upon reasonable Notice to be given in that Behalf, by the Senior Alderman then residing at *Fort St. George* aforesaid, assemble and elect Two Persons out of the Aldermen of the said Town of *Madraspatnam* for the Time being; and, within Three Days after every such Election, present such Two Persons to the Governor or President and Council of *Fort St. George* aforesaid; of whom the said Governor or President and

Council, for the Time being, or the major Part of them (whereof the said Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) shall choose one to be Mayor of the said Town of *Madraspatnam*, for the Remainder of the Year, and until another shall be duly chosen and sworn into the said Office; and the Person so to be chosen and appointed, by the said Governor or President and Council as aforesaid, shall immediately thereupon take the same Oaths of Office and Allegiance as are before directed to be taken by the Mayors of the said Corporation.

Mayors, after the Determination of their Office, to continue Aldermen.

AND We do further, for Us, Our Heirs and Successors, ordain and appoint, that the Mayor of *Madraspatnam* herein before nominated, and every other Person who shall hereafter be Mayor of the said Town of *Madraspatnam*, shall, after the Determination of his Office of Mayor, continue to be One of the Aldermen of the said Town, until his said Place shall be avoided, or himself removed, in Manner herein after mentioned.

Upon the Death of any Alderman, a New one to be chosen.

AND Our further Will and Pleasure is, that so often as any of the Aldermen of the said Town shall die, or be removed, or their Places be avoided, in Manner herein after mentioned, the Governor or President and Council of *Fort St. George* aforesaid, for the Time being, or the major Part of them (whereof the said Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) shall and may, upon reasonable Notice or Summons to be given in that Behalf, assemble and elect some other fit Person out of the principal Inhabitants of the said Town of *Madraspatnam*, into the said Place of Alderman; who shall, within Fourteen Days after his Election, take the Oath of Office, and the Oath of Allegiance, before the Governor or President, or, in his Absence, the Two Senior of the Council then residing at *Fort St. George* aforesaid; and shall continue in such Office during his Life, unless his said Place shall be avoided, or himself removed, in such Manner as is herein after mentioned.

Any Person so chosen, not accepting the Office, to be fined.

AND if any Person, so chosen an Alderman, shall neglect or refuse to accept such Office, not having a reasonable Excuse for so doing, and shall not, with Fourteen Days next after such his Election, take the Oath of Office and the Oath of Allegiance, then, and in such Case, every such Person shall forfeit, and pay, such reasonable Fine as shall for that Purpose be fixed and agreed on by the said Mayor's Court, with the Approbation and Consent of the said Governor or President and Council, for the Time being, or the major Part of them (whereof the said Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George*, to be One) to be by them signified to the said Court in Writing; and that before any Election shall be made of any Mayor, the several Vacancies in the Places of Aldermen shall be first filled up.

The Mayor, or any of the Aldermen, removing from the Settlement, returning to Europe, being absent 12 Months, or becoming the Company's President, or One of their Council, another to be chosen in his Place.

AND We do hereby, for Us, Our Heirs and Successors, give and grant to The said *United Company* and their Successors, and do, by these Presents, for Us, Our Heirs and Successors, ordain and direct, that if the said Mayor, or any of the said Aldermen, shall remove to any of the said Company's other Settlements, or return to *Europe*, or shall otherwise be absent from the said Town of *Madraspatnam* by the Space of Twelve Calendar Months, or shall, by Appointment of the said Company, or otherwise, become or take upon himself to be the said Company's Governor or President, or One of their Council of *Fort St.*

George aforesaid; in every such Case, the Place or Office of every such Mayor, or Alderman, shall be void; and it shall and may be lawful to choose another Mayor, or Alderman in the Place and Stead of such Person, in the same Manner as is before provided, in case such Mayor or Alderman had been naturally dead.

President and Council, upon reasonable Cause, to remove any of the Aldermen;

AND We do hereby further, for Us, Our Heirs and Successors, ordain and direct, that it shall and may be lawful to and for the said Governor or President and Council, for the Time being, or the major Part of them (whereof the Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) upon reasonable Cause, to remove any of the said Aldermen, so as there be a Complaint, in Writing, first exhibited against him, and he have a reasonable Time given him to make his Defence, and be summoned for that Purpose, in case he be resident within the Limits and Precincts of the said Town of *Madraspatnam*, at *Fort St. George;* but in case any Person shall think himself aggrieved by any such Sentence, or Adjudication of Removal, such Person may, within Fourteen Days after such Removal, appeal to Us, Our Heirs or Successors, in Council, as is usual in Cases of Appeal from any of Our Colonies in the *West-Indies*, upon giving Security to pay the Costs of such Appeal, in case such Sentence or Adjudication be affirmed; but such Appeal, shall not suspend the Execution of such Sentence.

who may appeal, if aggrieved.

If any Persons, above named for Mayor and Aldermen, die, or become disqualified before sworn into their Offices, the President and Council to nominate others.

AND Our further Will and Pleasure is, that in case any of the Persons herein before nominated to be Mayor or Aldermen of *Madraspatnam* aforesaid, shall happen to die, or depart the *East-Indies*, or shall be otherwise disqualified, as aforesaid, before Notice of this Our Charter, or before they shall be sworn into their respective Offices, it shall be lawful for the Governor or President and Council, at *Fort St. George* aforesaid, for the Time being, or the major Part of them (whereof the Governor or President, or in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) to nominate any other fit Person or Persons out of the principal Inhabitants of the said Town of *Madraspatnam*, to be the modern Mayor or Aldermen; and to admit and swear him, or them, into their respective Office, or Offices, as if named in this Our Royal Grant to be such respective Officers.

The Mayor and Aldermen to be a Court of Record, by the name of the Mayor's Court, at Madraspatnam; to try Civil Suits arising there, or within the Factories subordinate to Fort St. George, except between Indian Natives of Madraspatnam.

AND further, We do, for Us, Our Heirs and Successors, give and grant to the said Company and their Successors, and We do hereby ordain, direct and appoint, that the Mayor and Aldermen, for the Time being, of *Madraspatnam* aforesaid, shall for ever hereafter be, and they are hereby constituted a Court of Record, by the Name of the Mayor's Court at *Madraspatnam;* and that they or any Three or more of them (whereof the Mayor, or the Senior Alderman, for the time being, then residing there, to be One) may and they are hereby authorized to try, hear and determine, all Civil Suits, Actions and Pleas, between Party and Party, that shall or may arise, or happen, or that have already arisen, or happened, within the said Town of *Madraspatnam*, or within any of the Factories subject or subordinate unto *Fort St. George* aforesaid, or to the said Governor or President and the Council of *Fort St. George* aforesaid, except such Suits or Actions shall be between the *Indian* Natives of *Madraspatnam* only, in which Case We will that the same be determined among themselves, unless both parties shall by Consent submit the same to the Determination of the said Mayor's Court: Provided, that if the said Mayor, or any of the said Aldermen, shall be any ways interested in the Event of any

No Person, interested in the Suit, to sit as Judge.

such Action or Suit, no such Mayor or Alderman, so interested as aforesaid, shall sit or act as a Judge in such Action or Suit; but the same shall be heard and determined by such of them, the said Mayor or Alderman, as shall be no ways interested therein, or any Three or more of them: And in all Cases, where the number of Voices shall be equal in the Determination of any Action or Suit, the Mayor, or, in his Absence, the Senior Alderman present, shall have Two Voices.

If Voices are equal, Mayor, or Senior Alderman, to have Two.

AND Our further Will and Pleasure is, and We do, for Us, Our Heirs and Successors, ordain and direct, that the Person who shall be Sheriff at the Time of the Arrival of this Our Charter, or an Exemplification of the same, at *Fort St. George* aforesaid, shall continue to be Our Sheriff of *Fort St. George*, and the Town of *Madraspatnam*, and the District aforesaid, until another shall be duly elected and sworn into the said Office.

Sheriff.

AND We do further, for Us, Our Heirs and Successors, will, ordain, direct and appoint, that the Governor or President and Council of *Fort St. George* aforesaid, for the Time being, or the major Part of them (whereof the said Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George* aforesaid, to be One) shall yearly, on the First *Tuesday* in *December*, assemble themselves, and proceed to the Election of a new Sheriff for the Year ensuing, to be computed from the Twentieth Day of *December* next after such Election; which Sheriff, when elected, as soon as conveniently may be, and before he shall enter upon his said Office, shall take the usual Oath of Office and the Oath of Allegiance, before the said Governor or President, or, in his Absence, before the Two Senior of the Council then residing at *Fort St. George* aforesaid (who are hereby authorized to administer the same) and shall continue in such Office during the Space of One whole Year from the said Twentieth Day of *December*, and until another shall be duly elected and sworn into the said Office, unless his said Place shall be avoided, in such Manner as herein after is mentioned.

His Election; his Oaths; and Continuance in Office.

AND in case any such Sheriff shall die in his Office, or shall remove from the said Town of *Madraspatnam*, or be absent from the same by the Space of Three Months (unless for such reasonable Cause as the said Governor or President and Council, or the major Part of them, shall allow) then the said Governor or President and Council, or the major Part of them, shall and may, as soon as conveniently may be, after the Death, Removal or Absence of such Sheriff, assemble and choose another Person to be Sheriff in his Room, who shall be sworn as aforesaid, and continue in his Office for the Remainder of the Year.

And in case of his Death, Removal from Fort St. George, or Absence for 3 Months (unless allowed) another to be chosen.

AND the said Sheriff hereby appointed, and every other Sheriff to be elected and sworn as aforesaid, shall, during his and their Continuance in such Office respectively, have full Power and Authority to execute and make Return of all Process of the said Court, and of any other Court erected by these Our Letters Patents, within the District aforesaid; and in case of the Absence of any such Sheriff, for such reasonable Cause to be allowed as aforesaid, the Deputy or Under-Sheriff to be appointed by such Sheriff, shall return all Process, and do all Acts, in the Name and by Virtue of the Authority of such Sheriff.

The Sheriff's Duty; in case of his allowed Absence, a Deputy or Under-Sheriff to do all Acts.

AND Our further Will and pleasure is, and We do, by these Presents, for Us, Our Heirs and Successors, direct, ordain and appoint, that, upon Complaint

The Form of Proceeding of the Court in Civil Actions.

to be made in Writing to the said Court, by, for, or on the Behalf of any Person or Persons, against any other Person or Persons whatsoever, then residing or being, or who, at the Time when such Cause of Action did or shall accrue, did or shall reside or be within the said Fort or Town, or the Precinct, District or Territories thereof, of any of the Causes of Suit aforesaid, already accrued, or which shall or may hereafter accrue (unless the same shall be between the *Indian* Natives only, as aforesaid, or unless such Cause of Suit shall not exceed the Value of Five Pagodas) the said Court shall and may issue a Summons, in Writing, under the Hands and Seals of Two of the Judges of the said Court (whereof the Mayor for the Time being, or, in case of his Absence, the Senior Alderman residing within the said Town of *Madraspatnam*, or *Fort St. George*, to be One) to be directed to the said Sheriff, requiring the Party or Parties Defendant or Defendants, to appear before them, at a certain Time and Place therein to be appointed, to answer the said Complaint; and in Default of Appearance upon Return of the said Summons at such Time and Place, the said Court shall and may issue forthwith a Warrant, under the Hands and Seals of any Two of the Judges of the said Court (whereof the Mayor for the Time being, or the Senior Alderman then residing within the said Town of *Madraspatnam*, to be One, unless the said Mayor, or Senior Alderman, shall be a Party in such Action or Suit, and in that case under the Hands and Seal of any other Two of the Judges of the said Court) directed to the Sheriff for the Time being, to take the Body or Bodies of such Defendant or Defendants, and bring him, her or them, before the said Court, at a certain Time and Place therein to be appointed, to answer to the said Complaint; and in case of Appearance, or Arrest of the Body or Bodies of such Defendant or Defendants, to let such Defendant or Defendants out to Bail, upon giving sufficient Security (which We do hereby empower the said Court to take) to abide and perform the final Order and Judgment of the said Court, or such final Order and Judgment as shall and may be given upon any Appeal to be brought in the said Cause, or to surrender himself to the said Court, to be charged in Execution till the said Judgment shall be satisfied; and in Default of finding Bail, or giving such Security as aforesaid, to detain such Defendant or Defendants in Custody, until he or they shall have found such Bail, or have given such Security as aforesaid, or shall have Judgment or Sentence given for him, her or them, upon such Complaint; and after such Bail found, or Security given as aforesaid, or in case such Defendant or Defendants shall be detained in Custody for Want of Bail or Security, We do hereby, for Us, Our Heirs and Successors, ordain, direct and authorize the said Court to proceed to the Examination of the Matter and Cause of Complaint, either upon the Oath or Oaths, or solemn Affirmation, of any Witness or Witnesses, to be taken in the most solemn Manner, that is to say, the Oath or Oaths of such Witness or Witnesses who shall profess the *Christian* Religion, to be taken upon the Holy Evangelists, unless such Witness or Witnesses shall be of the Persuasion of the People called *Quakers*, in which case solemn Affirmation shall be sufficient; and upon the Oath or solemn Affirmation of any of the Natives of *India*, in such Manner as they, according to their several Casts, shall esteem to be most binding on their Consciences to oblige them to speak the Truth; and the Deposition or Depositions of such Witness or Witnesses shall be reduced into Writing, and subscribed in open Court by such

Witness or Witnesses (for which Purpose We do, by these Presents, empower and require the said Court to administer such Oath or Affirmation, or cause the same to be administered to such Defendant or Defendants, or to such Witness or Witnesses as shall be produced on the Behalf of either Party, Plaintiff or Defendant); or by the Confession or Admission of such Defendant or Defendants, in his, her or their Answer, upon the like Oath or Affirmation, according to his, her or their Religion, Sect or Cast respectively; and thereupon it shall be lawful for the said Court to give Judgment and Sentence according to Justice and Right, and to award and issue a Warrant or Warrants of Execution, under the Hands and Seals of Two of the Judges of the said Court (whereof the Mayor of the said Town or Factory of *Madraspatam* for the Time being, or the Senior Alderman then residing within the said Town or Factory, to be One, unless they, or either of them, shall be interested therein; and in that Case under the Hands and Seals of any Two of the Aldermen not interested therein) to be directed to the Sheriff for the Time being, for levying the Debt, or Duty, adjudged or decreed to the Party or Parties complainant, together with Costs of Suit, upon the Goods and Chattels of such Defendant or Defendants; and to cause Sale to be made of the said Goods and Chattels, rendering to the Party the Overplus (if any be); and for Want of sufficient Distress, We do hereby, for Us, Our Heirs and Successors, give full Power and Authority to the said Court to imprison the Defendant or Defendants, until Satisfaction be made by him, her or them, to the Plaintiff or Plaintiffs, of the Debt or Duty, decreed or adjudged, together with the Costs of Suit: And in case Judgment shall be given for the Defendant or Defendants, We do hereby, for Us, our Heirs and Successors, likewise give full Power and Authority to the said Court to award Costs to such Defendant and Defendants, and to issue the like Process and Execution for the same, as in Cases where Costs are awarded to any Plaintiff or Plaintiffs.

How to proceed, if an Action be brought against a Mayor, or Sheriff.

AND if any Action or Suit shall be brought or commenced against the Mayor of the said Corporation, for the Time being, during his being or continuing in his Office, it shall and may be lawful for the said Mayor's Court to proceed and determine such Suit, in the same Manner as in other Actions or Suits depending before them; but such Mayor shall not sit as a Judge, or appear on the Bench, during the hearing of the said Cause, or making any Order therein; and if any Action or Suit shall be brought or commenced against the said Sheriff, during his being and continuing in his Office, it shall and may be lawful to and for the said Governor or President and Council, for the Time being, or the major Part of them, to nominate and appoint a proper Person to execute the Process and Orders of the said Court against such Sheriff for the Time being.

Or against the Company.

AND in case any Person or Persons shall have any Action or Suit against The said *United Company*, and shall make Complaint thereof in Writing unto the said Mayor's Court, it shall and may be lawful for the said Court to issue their Summons to the said Governor or President and Council, to appear for The said *United Company;* and the said Governor or President and Council shall thereupon appear for the said Company, and shall be admitted to answer and defend such Suit, in the Name, and for and on the Behalf of The said *United Company:* And the said Mayor's Court shall be at Liberty to issue such Process against the said Company, and their Estate and Effects, as shall be

necessary to compel the Appearance of the said Company ; and shall proceed to hear and determine such Cause of Action in the same Manner as they are hereby authorized and empowered to hear and determine other Actions and Suits ; and, in case the said Company shall be condemned in such Action or Suit, to raise and levy upon their Goods, Estate and Effects, the Debt or Damages, together with such Costs of Suit as shall be awarded by the said Court, subject nevertheless to such Appeal as is herein after mentioned : And in like Manner, if The said *United Company* shall have any Action or Suit against any Person or Persons, it shall and may be lawful to and for the said Governor or President and Council, for and on the Behalf of the said Company, and in their Name, to make Complaint thereof in Writing to the said Mayor's Court, who shall proceed therein, and shall hear and determine the same as in other Cases, and in case Judgment or Sentence shall be given against the said Company, shall award Costs, to be levied upon the Goods and Effects of the said Company, as they shall see Occasion.

Or if the Company have any Action against any Person.

In case a Defendant withdraws himself out of the Jurisdiction of the Court.

AND to the Intent that due Provision be made that there may be no Failure of Justice if the Defendant or Defendants who was or were resident within the said Town of *Madraspatnam*, or any of the Factories or Districts subordinate thereto, at the Time when any Cause of Action did accrue, shall withdraw him or herself, or themselves, out of, or shall not be found within the Jurisdiction of the said Court ; We do, by these Presents, give, grant, will, direct and appoint, that in case the Sheriff shall make Return to such Summons or Warrant of Arrest, that the Party or Parties, Defendant or Defendants, therein mentioned, or any of them, is, or are not to be found within the Jurisdiction of the said Court, it shall and may be lawful, to and for the said Court, upon an Affidavit of Proof, verifying the Demand of the Plaintiff or Plaintiffs in such Suit, to the Satisfaction of the said Court, to grant a Sequestration to seize the Estate and Effects of such Party or Parties Defendant or Defendants, to such Value as the said Court shall think reasonable, and shall direct in such Process of Sequestration ; and the same to detain in the Hands of a proper Person to be appointed by the said Court, till such Party or Parties shall appear to the said Complaint, and give Security as aforesaid ; and in case the Party or Parties Defendant or Defendants, shall not appear, and give Security as aforesaid, within the Space of Six Months (unless it be shewed to the said Court, on the Behalf of such Defendant or Defendants, that he or they is or are residing in *Great-Britain* or *Ireland*) then it shall and may be lawful for the said Court, to proceed to hear and determine the said Cause, and to give Judgment therein as aforesaid : And in case Judgment shall be given for the Plaintiff or Plaintiffs in such Suit, to direct the Effects so seized to be sold, and out of the Produce thereof to make Satisfaction to the Plaintiff or Plaintiffs, for the Duty and Costs recovered, returning the Overplus, if any such shall be ; and in case such Produce shall not be sufficient to make Satisfaction to the Plaintiff or Plaintiffs, then it shall and may be lawful for the said Court to award Execution for the Residue of the Duty, and Costs, recovered in Manner as aforesaid.

The Money, Securities, and Effects of suitors, which shall be ordered to be paid into Court to be kept by the

AND whereas it is of the utmost Concern and Importance to the Suitors of the said Court, that their Money, Securities and Effects, should be preserved and secured, for their Benefit, in the most careful and effectual Manner : And whereas the same will be most safely deposited and kept in the Hands of the

Governor or President and Council of *Fort St. George*, with the Cash and Effects belonging to the said Company: And the said Company having undertaken and agreed to be answerable to the Suitors of the said Court for all such Money, Securities and Effects, as under the Orders of the said Mayor's Court, shall be paid, delivered to, or deposited with, their said President and Council, except in Cases of Fire, foreign Invasions, or other unavoidable Accidents, whereby the said Monies, Securities or Effects, may be lost; and also to be at the Charge and Expence which may be occasioned by Reason of the depositing, safe keeping, and restoring, or paying and delivering out of such Money, Securities and Effects, so that the Suitors may not be burdened thereby; We do therefore, upon such Undertaking and Agreement of the said Company, for Us, Our Heirs and Successors, will and ordain, that all Money, Securities and Effects, of the said Suitors, as shall be ordered into Court, or to be paid, delivered, or deposited for safe Custody, shall be paid, or delivered unto, or deposited with the Governor or President and Council, at *Fort St. George*, to be by them kept and deposited with the Cash and Effects of the said Company; subject to such Orders and Directions as the said Mayor's Court shall, from Time to Time, think fit to make concerning the same for the Benefit of the Suitors.

President and Council, subject to the Orders of the Court.

And We do, for Us, Our Heirs and Successors, give and grant, unto the Court of Directors of the said Company, or the major Part of them, full Power and Authority, from Time to Time, to name and appoint an Officer, under the Name of the Accountant General of the Mayor's Court at *Madraspatam*; and the same, at their Pleasure, to remove, and another to appoint, who shall act, perform, and do, all Matters and Things necessary to carry into Execution the Orders of the said Mayor's Court relating to the Payment or Delivery of the Suitor's Money, Effects and Securities, unto the Governor or President and Council of the said *United Company* at *Fort St. George*; and taking the same out again, and keeping the Accounts with the said Governor and Council, and Register of the Mayor's Court, and other Matters relating thereto, under such Rules, Methods and Directions, as shall, from Time to Time, be made and given under the Hands of Thirteen or more of the Court of Directors of the said Company; which Rules, Methods and Directions, We will, and direct, shall be according to such Rules, Methods and Directions, as are observed by the Accountant General of Our *High Court of Chancery* in *Great-Britain*, or as near thereto as may be, and as the Situation and Circumstances of Affairs will permit.

The Court of Directors to appoint an Accountant General for carrying the Orders of the Mayor's Court relating to the Suitors Money, &c., into Execution, and keeping the Accounts thereof with the President and Council.

And We do hereby authorize the said Mayor's Court, to administer Oaths and Affirmations, and to frame such Rules of Practice, and nominate and appoint such Clerks and Officers, and to do all such other Things as shall be found necessary for the Administration of Justice, and the due Execution of all or any of the Powers given them by these Presents, so as they, from Time to Time, give an Account thereof unto the said Company, and so as the same shall be subject to the Approbation, Control and Alteration of the said Company, under the Hands of Thirteen or more of the Court of Directors of the said Company; whom We do likewise will, and ordain, to have full Power and Authority to make such Rules and Orders for the better Administration of Justice, as they shall, from Time to Time, think fit and necessary; but such Rules and Orders, so to be made by the said Mayor's Court, so far as the same

The Mayor's Court empowered to administer Oaths and Affirmations, frame Rules of Practice, appoint Clerks and Officers, and do all other Things necessary; but subject to the Control and Alteration of the Company, who are empowered to make Rules and Orders, for the better Administration of Justice.

shall not be repugnant to any Rules or Orders made by the said Company, or their Court of Directors, as aforesaid, shall nevertheless be in force until the same shall be revoked or altered by the said Court of Directors, or any Thirteen or more of them, and Notice thereof given unto the said Court.

A Table of Fees to be put up in the Place where the Court shall be held.

AND Our further Will and Pleasure is, and We do hereby require and command, that a Table of the Fees to be allowed to such Clerks and Officers, shall be settled by the said Court, and approved and signed by the Governor or President of *Fort St. George* aforesaid, for the Time being; and shall be written out fair, and kept constantly fixed up in some visible and open Part of the Room, or Place, where the said Court shall be held: And that it shall and may be lawful for the said Court, with the Approbation of the said Governor or President and Council, for the Time being, or the major Part of them, and also to and for the Court of Directors of the said *United Company*, or any Thirteen or more of them, to vary and alter such Table of Fees, in such Manner as they shall think fit.

Any Person thinking himself, or the President and Council thinking the Company aggrieved, may appeal to the President and Council, who are constituted a Court of Record, to hear and determine such Appeals.

AND it is Our further Will and Intent, and We do, by these Presents, ordain and establish, that if any Person or Persons shall think him, her or themselves aggrieved by any Judgment, Sentence or Decree of the said Mayor's Court; or if the said Governor or President and Council, for the Time being, or the major Part of them, shall think the said Company aggrieved by any Judgment, Sentence or Decree of the said Court, that such Person or Persons, and the said Governor or President and Council, for the Time being, or the major Part of them, for and in the Name of the said *United Company*, shall or may, within Fourteen Days after such Judgment, Sentence or Decree of the said Court shall be entered of Record, appeal to the Governor or President and Council of *Fort St. George* aforesaid, for the Time being; whom, or any Three or more of them (whereof the Governor or President, or, in his Absence, the Senior of the Council residing there, to be One) We do hereby, for Us, Our Heirs and Successors, constitute, nominate and appoint, to be, for ever hereafter, a Court of Record for that Purpose, to receive such Appeals, and to hear and determine the same, and to do all other Acts, Matters and Things, necessarily incident thereto: Provided, if the said Governor or President, or any of the said Council, shall be any ways interested in the Event of any such Action or Suit, no Person so interested shall sit or act as a Judge upon such Appeal; but the same shall be heard and determined by such of them, the said Governor, or President and Council, as shall be no ways interested therein, or any Three or more of them: And in all Cases, where the Number of Voices shall be equal in the Determination or Judgment upon such Appeal, the Governor or President, or, in his Absence, the Senior of the Council who shall be present, and not interested, shall have Two Voices; which Determination shall be final if the Debt, Damages or Things, directed to be paid, done or delivered, or Matter in Dispute, shall not exceed the Value of One Thousand Pagodas; but in case the same do exceed the Value of One Thousand Pagodas, any Person or Persons who shall think him, her or themselves aggrieved by such Judgment, Sentence or Decree, made on such Appeal, shall and may, within Fourteen Days after the Judgment, Sentence or Decree, given or made upon such Appeal, shall be entered of Record; or if there shall not be a sufficient Number of the said Governor or President and Council, disinterested in the Event of such Appeal, to hear and determine the same, so that no Judgment, Sentence

No Person interested in the Event, to sit as Judge.

Where Voices equal the President to have Two Voices.

Their Determination final, if the Matter exceed not 1000 Pagodas; if it exceed 1000 Pagodas, or if there be not a sufficient Number of the President and Council to hear the Appeal, the Party aggrieved may Appeal to the King in Council.

or Decree can be given or made by them, then, although the Debt, Damages or Thing to be delivered, or Matter in Dispute, shall not exceed the Value of One Thousand Pagodas, it shall and may be lawful for the Party or Parties aggrieved by the Judgment, Sentence or Decree of the said Mayor's Court, within Twenty-one Days after such Judgment, Sentence or Decree, shall be entered of Record, to appeal to Us, Our Heirs and Successors, in Council (as is usual in Cases of Appeal from any of our Colonies in the *West-Indies*) upon giving Security to pay Interest (not exceeding the current Rate of Interest which shall prevail at the Time of pronouncing such Judgment, Sentence or Decree) for the Thing adjudged or decreed to be paid, done or delivered, and the Costs of such Appeal, in case the said Judgment, Sentence or Decree, shall be affirmed; and in case The said *United Company* shall appeal to Us, Our Heirs and Successors, the said Governor or President and Council, shall give the like Security, by a Bond, in the Name and on the Behalf of the said Company.

The Sentence upon such Appeals to be put in Execution by the Mayor's Court, and if they neglect it by the President and Council.

AND it is Our Will and Pleasure, that the Judgments, Sentences and Orders, of Us, Our Heirs and Successors, and of the said Governor or President and Council, made upon any such Appeals respectively, shall and may be put in Execution by the said Mayor's Court, in such Manner as an original Judgment of the said Court should or might have been; and they are hereby required and commanded to execute the same accordingly: And in case the said Mayor's Court shall refuse or neglect to cause such Judgments, Sentences or Orders, to be executed within Fourteen Days after Application made to them for that Purpose, it shall be lawful for, and We do hereby require and command the said Governor or President and Council to execute, or cause the same to be executed, by such Ways and Means as the said Mayor's Court might have done.

A Court of Requests established at Madraspatnam, to determine Suits not exceeding 5 Pagodas.

AND whereas the providing a more easy and speedy Method for recovering of small Debts within the said Town of *Madraspatnam*, and the Factories and Districts subordinate thereto, will greatly contribute to the promoting Industry, and supporting and encouraging useful Credit; We do hereby, for Ourselves, Our Heirs and Successors, give and grant to the said Company and their Successors, and do direct and appoint, that there shall, for ever hereafter, be, within the said Town of *Madraspatnam*, a Court, which shall be called the Court of Requests for the Town of *Madraspatnam*, and the Factories and Districts thereof: And for that purpose, We will and require the Governor or President and Council of *Madraspatnam* aforesaid, as soon as conveniently may be after the Arrival of this Our Charter, to nominate and appoint some of the principal Inhabitants of *Madraspatnam* aforesaid, not more than Twenty-four, nor fewer than Eight, to be Commissioners, to hear and determine Suits in a summary Way, under such Rules, Orders and Regulations as shall, from Time to Time, be given or sent to them, under the Hands of Thirteen or more of the Court of Directors of the said Company; which Commissioners, or any Three or more of them, shall have full Power and Authority to hear and determine all such Actions or Suits which shall be brought before them, where the Debt, Duty, or Matter in Dispute, shall not exceed, or be more than the Value of Five Pagodas; which Commissioners, so to be appointed, shall continue in their said Office until the First *Thursday* in *December* next after the Arrival of this Our Charter; and Three or more of them in Rotation, as

they shall agree among themselves (but not to exclude any other of the Commissioners, though not sitting or acting in the Course of such Rotation) shall sit every *Thursday* in the Week, from the Hours of Ten to Twelve in the Forenoon, or longer, if the Business shall require it, to hear and determine all such Causes as shall be brought before them, not exceeding the Value aforesaid; and on the First *Thursday* in *December* next after the Arrival of this Our Charter, the said Commissioners shall assemble together, and Twelve of the Persons so to be appointed Commissioners, or One Half of the said Commissioners, in case their Number be less than Twenty-four, shall, by the Ballot of all of them, or of such as shall be present, be removed, and a Number equal to that of those so removed, be chosen by Ballot of the remaining Twelve, or lesser Number; and of those that shall be removed, in the Places and Stead of such as shall be removed, to continue in such Employment until the First *Thursday* in the Month of *December* in the succeeding Year, and until others shall be chosen; and that, at the End of the said Year, that Half of the Commissioners who shall of the longest served in such Office, shall be removed, and others chsoen by Ballot in their Places, in Manner aforesaid; and so from Year to Year, on the First *Thursday*, in *December*, for ever hereafter.

The President and Council to be Justices of the Peace for Madraspatnam, Fort St. George, and the Factories subordinate to Fort St. George.

AND We do further, for Us, Our Heirs and Successors, give and grant, unto the said Company and their Successors, and do, by these Presents, will, ordain, establish and appoint, that the Governor or President and Council of *Fort St. George* aforesaid, for the Time being, shall be Justices of the Peace, and have Power to act as Justices of the Peace, in and for the said Town of *Madraspatnam*, and in and for *Fort St. George*, *Fort St. David*, *Vizagapatam*, the Factories on the *Coasts of Sumatra*, and all other the Factories subordinate to *Fort St. George* aforesaid, in the same or the like Manner, and with the same or the like Power, as Justices of the Peace constituted by any Commission or Letters Patents, under Our Great Seal of *Great-Britain*, for any County, City, or Town Corporate, in that Part of Our said Kingdom called *England*, do or may exercise such Office.

To hold Quarter Sessions, and be a Court of Record;

AND Our further Will and Pleasure is, and We do, by these Presents, for Us, our Heirs and Successors, give and grant, unto the said Company and their Successors, that the Governor or President of *Fort St. George*, and the Council, for the Time being, or any Three or more of them (whereof the Governor or President, or, in his Absence, the Senior of the Council then residing at *Fort St. George*, to be One) shall and may hold Quarter Sessions of the Peace, Four Times in the Year, within the District aforesaid, and shall, at all Times hereafter, be a Court of Record, in the Nature of a Court of Oyer and Terminer, and Gaol Delivery; and shall, from Time to Time, and at all Times hereafter, be Commissioners of Oyer and Terminer, and Gaol Delivery, for the trying and punishing of all Offenders, and Offences (High Treason only excepted) had, committed or done, or to be had, committed or done, within the said Town of *Madraspatnam*, *Fort St. George*, or within any of the said Factories or Places subordinate thereunto; and that it shall and may be lawful, to and for the said Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery respectively, to proceed by Indictment, or by such other Ways, and in the same or in the like Manner, as is used in that Part of *Great-Britain* called *England*, as near as the Condition and Circumstances of the Place and Inhabitants will admit of; and for that Purpose to

and be Commissioners of Oyer and Terminer, and Gaol Delivery, for the trying and punishing all Offences, except High Treason.

Their Proceedings.

issue their Warrant or Precept to the Sheriff of the said District, for the Time being, commanding him to summon a convenient Number of the principal Inhabitants within the said District, to serve and attend as Grand and Petit Jury, at the said Courts respectively: And that the said Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery respectively, shall and may administer to them the usual Oath taken in *England* by the Grand and Petit Jury; and also administer to the Witnesses, who shall be produced for or against the Party to be tried, a proper Oath or Affirmation, that is to say, an Oath upon the Holy Evangelists to any Witness or Witnesses, who shall profess the *Christian* Religion; and to administer an Oath or solemn Affirmation to any other Witness or Witnesses, Natives of *India*, in such Manner as they, according to their several Casts, shall esteem to be most binding on their Consciences, to oblige them to speak the Truth; and that the said Justices, and Commissioners, shall and may respectively proceed to the Arraignment, Trial, Conviction and Punishment, of Persons accused of any Crimes or Offences (High Treason only excepted) in the same or the like Manner and Form, as near as the Condition and Circumstances of the Place and Inhabitants will admit of, as any of Our Justices of the Peace, or Commissioners of Oyer and Terminer, and Gaol Delivery, in *England*, do or may proceed, by Virtue of any Commission by Us granted for that Purpose; and shall and may respectively do all other Acts that Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery, usually and legally do; and that the said Court may assemble and adjourn, at and unto such Times and Places as they shall judge convenient.

Oaths of Jury and Witnesses.

AND We do hereby direct, that the Governor, or President, of *Fort St. George* aforesaid, shall, before the Council there, or the major Part of them, take an Oath, faithfully to execute the said Offices of Justice of the Peace, and Commissioner of Oyer and Terminer, and Gaol Delivery, together with the Oath of Allegiance, which Oaths they are hereby empowered to administer; and after the taking of such Oaths, We do hereby authorize the said Governor, or President, to administer the same Oaths to the Rest of the Council, as Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery.

The President to take an Oath faithfully to execute the said Offices of Justice and Commissioner, and the Oath of Allegiance, and to administer the like Oaths to the Rest of the Council.

AND We do hereby will, direct and declare, that no Proceedings, which, at the Time of the Arrival of this Our Charter shall be depending before Our Justices of the Peace, at their Quarter Sessions, or before Our Commissioners of Oyer and Terminer, and Gaol Delivery, at *Madraspatnam* aforesaid, shall be any ways abated or discontinued thereby, but shall be proceeded upon, under this Our present Charter, in the same Manner, to all Intents and Purposes, as if all such Proceedings had been had and commenced under the same, and by Virtue thereof.

Proceedings already begun not to abate.

AND Our further Will and Pleasure is, and We do, of Our more abundant Grace, for Us, Our Heirs and Successors, give and grant unto the said Company and their Successors, by these Presents, full Power and Authority, from Time to Time, to name and appoint such Person and Persons as they shall think fit, to be General or Generals of all the Forces by Sea and Land of or belonging to the said Town of *Madraspatnam*, and the Towns, Places and Dependencies of *Fort St. George* aforesaid; and to nominate, constitute and appoint, such and so many Commanders, and Military Officers, as to them

The Company empowered to appoint Generals, and other Military Officers, for Madras, and its Dependencies;

to train the Inhabitants in Martial Affairs; and to raise and maintain Forces, Seamen and Ships of Defence.

shall seem meet and requisite, for the leading, conducting and training up, the Inhabitants of the said Towns, Places and Limits aforesaid, in Martial Affairs; and for the raising and maintaining such a Body of standing Forces within the said Towns and Limits aforesaid, and such a Number of Seamen, and Ships of Defence, as are or shall be necessary for the Defence and Safeguard of the same, and such General or Generals, and other Officers, or any of them, at the Pleasure of the said Company to displace and amove.

To repel Invasions, &c.

AND that it shall and may be lawful to and for the said General or Generals of the Forces by Sea and Land, of or belonging to the said Town of *Madraspatnam*, and the Towns, Places and Dependencies of *Fort St. George* aforesaid; and all and every such Commander and Military Officers, that shall be so as aforesaid constituted and appointed, according to the Tenour of his and their respective Commissions and Instructions, to assemble, exercise in Arms, Martial Array, and put in warlike Posture the Inhabitants of the said Towns and Places, either by Sea or Land, for their special Defence and Safety; and to lead and conduct them, and to encounter, repulse, expel and resist by Force of Arms, as well by Sea as by Land; and also to kill, slay and destroy, by all fitting Ways, Enterprises and Means whatsoever, all and every such Person or Persons as shall, or may, at any Time hereafter, in an hostile Manner, attempt or enterprise the Destruction, Invasion, Detriment or Annoyance, of any of Our Subjects within the said Towns and Factories and Limits, or any of their Servants, or Persons dealing with them; and in Time of War, or open Hostility, to use and exercise Martial Discipline, and the Law Martial, in such Cases as Occasion shall necessarily require, and may legally be done; and to take and surprise, by all Ways and Means whatsoever, all and every such Person and Persons, with their Ships, Armour, Ammunition and other Goods, as shall, in hostile Manner, invade, or attempt the defeating or Destruction of the said Towns and Places, or the Hurt of any of Our Subjects inhabiting there, or any of their Servants, or Persons employed by them, and upon just Causes to invade and destroy the Enemies of the same.

[*Clauses relating to the Establishment of Corporations and Courts at Bombay and Calcutta.*]

The Presidents and Councils of Madras, Bombay, and Fort William, and also the Court of Directors of the Company, may make By-Laws, Rules and Ordinances, for the Government of the several Corporations and Courts, and impose Penalties on Offenders.

AND whereas it may be necessary, that certain By-Laws and Ordinances should hereafter be made, for the better Government and Regulation of the several Corporations and Courts hereby erected; and it is reasonable, that the Power of making such By-Laws, and Ordinances, should be subject to the Direction and Control of The said *United Company of Merchants of England, Trading to the East-Indies*, We do hereby, of Our more abundant Grace, for Us, Our Heirs and Successors, give and grant unto The said *United Company*, and their Successors, and do, by these Presents, for Us, Our Heirs and Successors, will, ordain and direct, that it shall and may be lawful to and for the respective Governors or Presidents and Councils of the several Towns and Factories of *Madraspatnam*, *Bombay*, and *Fort William*, in *Bengal*, for the Time being, respectively (whereof the Governor or President, or, in his Absence, the Senior of the Council then residing in each respective Factory, to be One) and also for the *Court of Directors* of The said *United Company*, for the Time being, or the major Part of them, at any Meeting of such Court of Directors, to be held upon reasonable Notice to be given thereof, from Time to Time, to

make, constitute and ordain By-Laws, Rules and Ordinances, for the Good Government and Regulation of the several Corporations and Courts hereby erected, and of the Inhabitants of the several Towns, Places and Factories aforesaid, respectively, and to impose reasonable Pains and Penalties upon all Persons offending against the same, or any of them: Provided that all such By-Laws, Rules and Ordinances, and all Pains and Penalties thereby to be imposed, be agreeable to Reason, and not contrary to the Laws and Statutes of this Realm: Provided also, that no such By-Law, Rule or Ordinance, made by the Governor or President and Council of either of the said Towns or Factories, shall be put in Execution, or have any Force or Effect whatsoever, until the same shall have been approved and confirmed, by Order, in Writing, of the said Court of Directors, or the major Part of them.

But those of the Presidents and Councils to have no Force, till confirmed by the Court of Directors.

And We, of Our especial Grace, certain Knowledge and mere Motion, have given and granted, and, by these Presents, for Us, Our Heirs and Successors, do give and grant, unto The said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, for ever, all such Fines, Amerciaments, Forfeitures, Penalties and Sums of Money whatsoever, as have already been, or shall hereafter be ordered, charged, adjudged, set or imposed, upon any Person or Persons whatsoever, in or by the said respective Courts, or by the said Justices of the Peace, Commissioners of Oyer and Terminer, or Gaol Delivery, or any of them, or otherwise howsoever, by Virtue or in pursuance of the Powers, Grants, Privileges or Authorities, in the said former Letters Patents, or in these Presents, mentioned or contained, upon any Person or Persons, for or by reason of any Contempts, Misdemeanors or Offences whatsoever, To have, hold, receive, levy, sue for, recover and enjoy the same, to The said *United Company*, and their Successors, for ever, in as large and ample Manner, to all Intents and Purposes, as We, Our Heirs or Successors, could or might have had, held, received, levied, sued for, recovered and enjoyed the same, if these Presents had not been made, without any Account, or any other Matter or Thing, to be rendered or paid for the same, unto Us, Our Heirs or Successors.

Grant to the Company of all Fines, &c. imposed by the Courts of Justice, &c.

And We do hereby, for Us, Our Heirs and Successors, give and grant unto The said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, full Power and Authority to sue for, recover and levy, all and every the said Fines, Amerciaments, Forfeitures, Penalties and Sums of Money, by any Action or Actions of Debt, to be brought in any of Our said Mayor's Courts respectively, or by such other Suits, Actions, Ways, Means and Proceedings, as may be lawfully had, and prosecuted, in Our said respective Courts, in their Corporate Names, or by any other lawful Ways or Means, either in the Name of Us, Our Heirs or Successors, or of The said *United Company of Merchants, Trading to the East-Indies*, or their Successors; and to collect, take, seize and levy, the said Fines, Amerciaments, Forfeitures, Penalties and Sums of Money, in and by these Presents granted, or mentioned to be granted, from Time to Time, by the proper Officers and Ministers of The said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, to the only proper Use and Behoof of them, and their Successors, without any Writ, Warrant or other Process, out of the Exchequer of Us, Our Heirs or Successors, or any other Court or Courts of Us, Our Heirs and Successors, whatsoever and wheresoever, to be had and obtained in that Behalf, any Usage or Custom to the contrary thereof in any wise notwithstanding.

With Power to sue for and recover the same.

Courts to pay the Amount to the Company.

And We do hereby, for Us, Our Heirs and Successors, direct, authorize and command, the Mayor and Aldermen, and the Governor or President and Council, of the respective Places before mentioned, the said respective Courts of Record, Justices of the Peace, Commissioners of Oyer and Terminer, and Gaol Delivery, now and for the Time being, and all other Our Officers and Ministers, and others therein concerned respectively, by Virtue of these Our Letters Patents, to cause to be paid over to The said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, from Time to Time, all such Fines, Amerciaments, Forfeitures, Penalties and Sums of Money, as shall be set or imposed upon any Person or Persons as aforesaid, and shall be paid or satisfied by such Person or Persons, or recovered and levied by any of the Ways and Means before mentioned: And We do, by these Presents, for Us, Our Heirs and Successors, declare and grant, that such Payments, so to be made, shall be as full and sufficient a Discharge, to all Intents and Purposes, to the said Mayor and Aldermen, and the said Governor or President and Council, of each of the said Places, the said Justices of the Peace, and the said Commissioners of Oyer and Terminer, and Gaol Delivery, and the said respective Officers and Ministers, and all and every other Person and Persons, as if such Payment had been made to Us, Our Heirs and Successors, at the Receipt of Our or their Exchequer.

The Mayor's Courts empowered to grant probates of Wills, and Letters of Administration.

And whereas it frequently happens, that the Effects and Estates of Persons dying in the *East-Indies*, or Parts aforesaid, are wasted and embezzled, and their Debts contracted there remain unpaid, for Want of a proper Authority vested in some Person or Persons residing in the *East-Indies*, or Parts aforesaid, to take care of the same; for the preventing of which Mischief, We do hereby, for Us, Our Heirs and Successors, give and grant unto the said Company and their Successors, and do, by these Presents, ordain, establish and appoint, that where any Person shall die within the said Town of *Madraspatnam*, or *Fort St. George*, or the Limits thereof, or any of the Factories subordinate to *Fort St. George* aforesaid, the said Town of *Bombay*, in the Island of *Bombay*, or the Limits thereof, or the Factories subordinate thereto, or the said Town of *Calcutta*, at *Fort William*, in *Bengal*, or the Limits or Districts of the same, or the Factories subordinate thereto; and shall by his Will appoint any Person or Persons residing within the Towns, or the Limits thereof, or the Factories aforesaid, to be his Executor or Executors, that in such Case the Mayor's Court within the District or Jurisdiction whereof such Person shall happen to die, upon Proof made of the due Execution of the said Will, shall, and they are hereby authorized to grant Probate of the said Will, under the Seal of the said Court (which We authorize them to use for this and other necessary Purposes) whereby the Person or Persons so named Executor or Executors, shall have full Power, and ample authority, to act as Executor or Executors, as touching the Debts and Estate of his, her, or their Testator, within the Limits of Trade granted to the said Company; and where any Person shall die, within any of the said Towns, or Factories, or the Limits thereof, Intestate, or not having appointed some Person or Persons to be his Executor or Executors, residing within the said Towns, or Factories, or the Limits thereof, that, in either of these Cases, the said Mayor's Court (within the Jurisdiction whereof such Person shall happen to die) shall, and the same is hereby empowered to grant Letters of Administration, or Letters of Administration with an authentick Copy of the Will annexed, determinable upon any Executor, named in

such Will, appearing in the said Court, and Praying Probate thereof, as touching the Debts and Estate of such Person dying Intestate, or not naming such Executor as aforesaid, that shall be, or arise, within the Limits of Trade granted to the said Company, to such Person or Persons then residing within the Jurisdiction of the said Court, as shall be next of Kin to the Person so dying; and in case no such Person shall be then residing within the Jurisdiction of the said Court, then to the principal Creditor of the Person so dying; and for Want of any Creditor appearing, then to such other Person or Persons as shall be thought proper by the said Court, every such Person or Persons to whom Administration shall be granted, first giving Security, by Bond, with Two or more able Sureties (Respect being had to the Value of the Estate) to the Mayor of the said Town or Factory, with Condition in Manner and Form following, *mutatis mutandis* (to wit).

The Administrator's Bond.

THE Condition of this Obligation is such, that if the above-bounden A. B. Administrator of the Goods, Chattels and Credits, of C. D. deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits, of the said deceased, which have or shall come to the Hands, Possession, or Knowledge of him, the said A. B. or to the Hands or Possession of any other Person or Persons for him, and the same, so made, do exhibit, or cause to be exhibited, into the Mayor's Court of at or before the Day of next ensuing, and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits, of the said deceased, at the Time of his Death, or which, at any Time after, shall come to the Hands or Possession of the said A. B. or into the Hands and Possession of any other Person or Persons for him, do well and truly administer according to Law; and further do make, or cause to be made, a true and just Account of his said Administration, at or before the Day of and all the Rest and Residue of the said Goods, Chattels and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed of by the Judges, for the Time being, of the said Court, shall deliver, and pay unto such Person or Persons respectively, as shall be lawfully entitled to such Residue; then this Obligation to be void, and of none Effect, or else to remain in full Force and Virtue.

Administrator may act within the Company's Limits of Trade.

AND it is Our Will and Pleasure, that such Persons or Persons, to whom Administration shall be so granted, shall and may act in all Respects, as Administrator or Administrators, touching the Debts, Effects and Estate of such Person or Persons, to whom he or she shall take out Administration as aforesaid, which shall be or arise within the said Limits of Trade.

Every Mayor and Alderman, before he enters upon his Office, to take an Oath duly to execute the Office of One of the Judges of the said Court.

AND we do further will and direct, by these Presents, that each Person, who is nominated, appointed, or elected to be Mayor, or One of the Aldermen of any of the said Towns of *Madraspatnam*, at *Fort St. George*, or of *Bombay*, or *Calcutta*, at *Fort William*, in *Bengal*, shall, before he enters upon the Execution of his said Office, take an Oath, in the most solemn Manner, before the Governor or President, or, in his Absence, before any Two of the Council of such Town or Factory, whereof such Person is or shall be appointed, or elected Mayor or Alderman (whom We hereby authorize and empower to administer such Oath) that he will, to the best of his Skill, duly and justly execute the Office of One of the Judges of the said Court, and impartially administer

Justice, in every Cause, Matter or Thing, that shall come before him: Provided always, that no Person or Persons shall be capable of any of the Offices herein before mentioned, until he or they shall have taken the Oath of Allegiance to Us, Our Heirs and Successors; which Oath We do hereby empower the said respective Governors or Presidents, or, in their Absence, the Two Senior of the Council then residing within the said respective Towns or Factories, to administer.

No Person to be capable of any of the Offices beforementioned, till he hath taken the Oath of Allegiance.

PROVIDED always, and We do, for Us, Our Heirs and Successors, will and declare, that if The said *United Company* shall at any Time hereafter, for the Convenience of their Trade, or otherwise, think fit to remove the Seat of their Presidency, from their principal Settlements of *Fort St. George*, and the said Town of *Madraspatnam*, or *Bombay*, in the Island of *Bombay*, or *Calcutta*, at *Fort William*, in *Bengal*, to any other Place subordinate to the said principal Settlements respectively, and shall declare the same to be the Seat of their Presidency, or principal Settlement, in the Place or Stead of such other principal Settlement, then, and in every such case, it shall and may be lawful to and for The said *United Company* to hold, use, exercise and enjoy a Mayor's Court and Court of Request; and the said Company's Governor or President and Council, shall continue to be Our Justices of the Peace, and Commissioners of Oyer and Terminer, and Gaol Delivery, at such other Place; and the said Mayor and Aldermen, and Commissioners of the said Court of Request, shall be chosen out of the Inhabitants of such other Place as they are hereby directed to be chosen out of the Inhabitants of the aforesaid Places, or principal Settlements; and they, and every of them, shall continue, use, exercise and enjoy, all and every the like Jurisdictions, Privileges, Powers and Authorities whatsoever, at such other Places, and the Places, Districts and Factories, which shall be subordinate and dependent thereon respectively, as are herein before granted unto them in the aforesaid principal Settlements; and in such Cases, all and every such Court shall bear the name or stile of the Place which shall be so appointed the Seat of the said Company's Presidency, or their principal Settlement, instead of such of the said principal Settlements now being, from which the Seat of the said Company's Presidency shall be so removed as aforesaid.

If the Company remove the Seat of their Presidency, from any of the said principal Settlements, to any subordinate Place, thelike Jurisdictions, &c. to be continued at such new Seat of the Presidency and its Dependencies, as are before granted in respect to such principal Settlement.

AND Our further Will and Pleasure is, and We do hereby, for Ourselves, Our Heirs and Successors, declare and ordain, that if, by any Accident whatsoever, The said *United Company* shall at any time hereafter, by any Ways or Means whatsoever, lose for a Time the Possession of any of their aforesaid principal Settlements or any other Settlement or Settlements, which they may hereafter make, or declare, to be a principal Settlement, or principal Settlements, whereby the Proceedings of the said respective Courts hereby created, or the Election of the Officers hereby directed to be elected and chosen, may be suspended or delayed, and the Possession of such principal Settlement, or Settlements, or other Place, shall afterwards be restored to the said Company, in every such Case, and as often as the same shall happen, the same shall not be deemed, or construed, to be a Dissolution of any such Corporation or Court: And it shall and may be lawful, to and for the *Court of Directors* of The said *United Company*, or the major Part of them, at such Time, after such Place or Places shall be restored, as shall be most convenient for them, to nominate and appoint all such Officers as by these Presents are appointed, to continue in

If the Company should for a Time lose the Possession of any principal Settlement whereby the Election of Officers should be suspended, and such Settlement should afterwards be restored to the Company, the same not to be construed a Dissolution of any such Corporation; and the Court of Directors may nominate Officers to continue till such Time as others are hereby appointed to be chosen.

their respective Offices until such Time as others are, by these Presents, appointed to be chosen and that the Persons so to be appointed and chosen, shall, at such respective Places, have, use, hold, exercise and enjoy, all and every the same Jurisdictions, Powers and Authorities whatsoever, as might have been exercised and enjoyed at such Place and Places if The said *United Company* had never lost the Possession thereof: Provided always, and We do hereby reserve unto Ourselves, Our Heirs and Successors, full Power and Authority, upon any Application to Us for that Purpose, made by the *Court of Directors* of The said *United Company*, or the major Part of them, to revoke, vary, alter, annul and make void, these Presents, and every Matter, Clause and Thing therein contained; and to make and grant unto the said Company, and Their Successors, such new, further or other Powers, and Authorities, as We, Our Heirs or Successors, shall in that Behalf think fit.

Reservation of Power, upon Application of the Court of Directors, to revoke or alter these Presents, and to grant new or other Powers.

AND We do, for Us, Our Heirs and Successors, grant and declare, that these Our Letters Patents, or the Enrolment thereof, shall be, in and by all Things, valid and effectual in the Law, according to the true Intent and Meaning of the same, and shall be taken, construed and adjudged, in the most favourable and beneficial Sense, for the best Advantage of the said Company, as well in Our Courts of Record as elsewhere, notwithstanding any Non-recital, Mis-recital, Defect, Incertainty or Imperfection, in these Our Letters Patents.

These Letters Patents, or the Enrolment thereof, to be effectual, notwithstanding any Mis-recital, &c.

IN WITNESS whereof, We have caused these Our Letters to be made Patents. Witness Ourself, at *Westminster*, the Eighth Day of *January*, in the Twenty-sixth Year of our Reign.

In Witness, &c.

By Writ of Privy Seal.

COCKS.

COMMISSION FOR TRYING PIRATES AT *FORT ST. GEORGE*,

Bearing Date the Twenty-seventh day of *January*, in the First Year of the Reign of *GEORGE* III., *Anno Domini*, One Thousand Seven Hundred and Sixty-one.

GEORGE the Third, by the Grace of God, King of *Great-Britain*, *France*, and *Ireland*, Defender of the Faith, &c. To All Our Admirals, Vice-Admirals, Rear Admirals, Judges of Vice-Admiralty's and Commanders of any of Our Ships of War, now and for the Time being, and also Our Trusty and Well-beloved *George Pigot*, Esquire, President and Governor of *Fort St. George*, in the *East-Indies*, *Robert Palk*, *John Smith*, *Charles Bourchier*, *Dawsoune Drake*, *John Andrews*, *John Pybus*, *Richard Fairfield*, *Samuel Ardley*, *Charles Turner*, and *Thomas Heath*, Merchants there, and the President and Council of *Fort St. George* aforesaid for the Time being, Greeting. WHEREAS by an Act of Parliament made in the Eleventh Year of the Reign of Our late Royal Predecessor King *William* the Third, entituled, An Act for the more effectual Suppressing of Pirates, reciting as therein is recited, It is amongst other Things enacted that all Piracies, Felonies, and Robberies committed in or upon the Sea, or in any Haven, River, Creek or Place where the Admiral or Admirals have Power, Authority or Jurisdiction, might be examined, enquired of, tryed, heard and determined and adjudged, according to the Directions of the said Act, in any Place at Sea or upon the Land in any of His said late Majesty's Islands, Plantations, Colonies, Dominions, Forts or Factories to be appointed for that Purpose by His said late Majesty's Commission or Commissions under the Great Seal of *England*, or the Seal of the Admiralty of *England*, directed to all or any of the Admirals, Vice-Admirals, Rear Admirals, Judges of Vice-Admiralty's or Commanders of His said late Majesty's Ships of War, and also to all or any such Person or Persons, Officer or Officers by Name or for the Time being, as His said late Majesty should think fit to appoint, which said Commissioners should have full Power jointly or severally by Warrant under the Hand and Seal of them, or any of them, to commit to safe Custody any Person or Persons against whom Information of Piracy, Robbery or Felony upon the Sea should be given upon Oath, and to call and assemble a Court of Admiralty on Shipboard or upon the Land, when and as often as Occasion should require, which Court should consist of Seven Persons at the least: And it is thereby further enacted, that if so many of the Persons aforesaid could not conveniently be assembled, any Three of the aforesaid Persons (whereof the President or Chief of some English Factory; or the Governor, Lieutenant-Governor, or Member of His said late Majesty's Councils in any of the Plantations, or Colonies aforesaid, or Commander of One of His said late Majesty's Ships was always to be One) should have full Power and Authority by Virtue of the said Act, to call and assemble any other Person on Shipboard or upon the Land to make up the Number of Seven: And it is thereby also provided, that no Persons but such as were known Merchants, Factors or Planters, or such as were Captains, Lieutenants or Warrant Officers in any of His said late

Recitals of 11 & 12 W. III, c. 7.

Majesty's Ships of War, or Captains, Masters or Mates of some English Ship, should be capable of being so called, and sitting and voting in the said Court: And it is thereby further enacted, that such Persons called and assembled as aforesaid should have full Power and Authority according to the Course of the Admiralty to issue Warrants for bringing any Persons accused of Piracy or Robbery before them to be tryed, heard and adjudged, and to summon Witnesses, and take Informations and Examinations of Witnesses upon their Oaths, and to do all Things necessary for the Hearing and final Determination of any Case of Piracy, Robbery and Felony, and to give Sentence and Judgment of Death, and to award Execution of the Offenders convicted and attainted as aforesaid, according to the Civil Law and the Methods and Rules of the Admiralty; and that all and every Person and Persons so convicted and attainted of Piracy or Robbery should have and suffer such Losses of Lands, Goods and Chattels, as if they had been attainted and convicted of any Piracies, Felonies and Robberies according to a Statute made in the Twenty-eighth Year of the Reign of King *Henry* the Eighth for Tryals of Treasons, Felonies, Robberies, Murders and Confederacies committed on the Sea, which said first recited Act was since made perpetual by an Act of Parliament made in the Sixth Year of the Reign of Our late Royal Predecessor King *George* the First: And whereas by an Act of Parliament made in the Eighth Year of the Reign of Our said Royal Predecessor King *George* the First, entituled, An Act for the more effectual Suppressing of Piracy, It is enacted that all Persons who by the said first recited Act are declared to be Accessories to any Piracy or Robbery therein mentioned, shall be deemed and taken to be principal Pirates, Felons and Robbers, and shall and may be enquired of, heard, determined and adjudged in the same Manner as Persons guilty of Piracy and Robbery may and ought to be enquired of, tried, heard, determined and adjudged by the said first recited Act, and being thereupon attainted and convicted, shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, and in like Manner as Pirates and Robbers ought by the said Act to suffer as by the said several Acts before recited (Relation being thereunto respectively had) may more fully and at large appear.

28 Hen. VIII, c. 15,

6 Geo. I, c. 19, and 8 Geo. I, c. 24.

Appointment of Commissioners.

Now know Ye, that We upon the Humble Petition of the *United Company of Merchants of England, Trading to the East-Indies*, and in pursuance of the said recited Acts, of Our especial Grace, certain Knowledge and mere Motion have made, constituted and appointed, and by these Presents do make, constitute and appoint all Our Admirals, Vice-Admirals, Rear Admirals, Judges of Vice-Admiralty's and Commanders of any of Our Ships of War now and for the Time being, and also you the said *George Pigot*, *Robert Palk*, *John Smith*, *Charles Bourchier*, *Dawsoune Drake*, *John Andrews*, *John Pybus*, *Richard Fairfield*, *Samuel Ardley*, *Charles Turner*, and *Thomas Heath*, and the President and Council of *Fort Saint George*, aforesaid for the Time being, being known Merchants, Factors or Planters, to be Our Commissioners at *Fort Saint George* aforesaid, for the examining, enquiring of, trying, hearing, determining and adjudging according to the same Acts in any Place at Sea or upon the Land at *Fort Saint George* aforesaid all Piracies, Felonies and Robberies committed, or which shall be committed, in or upon the Sea, or within any Haven, River, Creek or Place where the Admiral or Admirals have Power, Authority or Jurisdiction within the *East-Indies*, in the Countries and Parts of *Asia* and

Africa, and in the Islands, Ports and Havens, Cities, Creeks, Towns and Places of *Asia*, *Africa* and *America*, or any of them beyond the Cape of *Bona Esperanza* to the *Streights of Magellan*, within the Limits of Trade granted to the *United Company of Merchants, Trading to the East-Indies*, and all Our Admirals, Vice-Admirals, Rear Admirals and Commanders of any of Our Ships of War now and for the Time being, and also you the said *George Pigot*, *Robert Palk*, *John Smith*, *Charles Bourchier*, *Dawsoune Drake*, *John Andrews*, *John Pybus*, *Richard Fairfield*, *Samuel Ardley*, *Charles Turner*, and *Thomas Heath*, and the President and Council of *Fort Saint George* aforesaid for the Time being, Our Commissioners at *Fort Saint George* aforesaid for the purposes herein before-mentioned, We do make, ordain and constitute by these Presents, hereby giving and granting unto you Our said Commissioners jointly or severally, or any One of you, by Warrant under the Hand and Seal of you, or any One of you, full Power and Authority to commit to safe Custody any Person or Persons against whom Information of Piracy, Robbery or Felony upon the Sea within the Limits aforesaid shall be given upon Oath (which Oath you, or any One of you, shall have full Power and are hereby required to administer), and to call and assemble a Court of Admiralty on Shipboard or upon the Land when and as often as Occasion shall require, which Court Our Will and Pleasure is shall consist of Seven Persons at the least: And if so many of you Our said Commissioners cannot conveniently be assembled, any Three or more of you (whereof you the said *George Pigot*, President of *Fort Saint George*, or the President of *Fort Saint George* aforesaid for the Time being, or a Commander of One of Our Ships shall always be One) shall have full Power and Authority by Virtue of the said first recited Act and of these Presents to call and assemble any other Persons on Shipboard or upon the Land to make up the Number of Seven: Provided that no Person but such as are known Merchants, Factors or Planters or such as are Captains, Lieutenants or Warrant Officers in any of Our Ships of War or Captains, Masters or Mates of some English Ship, shall be capable of being so called and sitting and voting in the said Court.

Power to issue Warrants, &c.

AND Our express Will and Pleasure is, and We do hereby expressly declare and command, that such Persons called and such other Persons hereby authorized and assembled as aforesaid shall have full Power and Authority according to the course of the Admiralty to issue Warrants for bringing any Persons accused of such Piracy or Robbery before them to be tried, heard and adjudged, and to summon Witnesses, and to take Informations and Examinations of Witnesses upon their Oaths, and to do all Things necessary for the hearing and final Determination of any case of Piracy, Robbery and Felony upon the Sea, and to give Sentence and Judgment of Death, and to award Execution of the Offenders convicted and attainted as aforesaid according to the Civil Law and the Methods and Rules of the Admiralty; and that all and every Person and Persons so convicted and attainted of Piracy or Felony shall have and suffer such Losses of Lands, Goods and Chattels as if they had been attainted and convicted of any Piracies, Felonies and Robberies according to the afore-mentioned Statute made in the Reign of King *Henry* the Eighth.

Opening of Court.

AND Our express Will and Pleasure is, and We hereby direct and command, that so soon as any Court shall be assembled as aforesaid either on Shipboard or upon the Land, this Our Commission shall be first Openly read,

and the said Court then and there shall be Solemnly and Publickly called and proclaimed, and then the President of such Court shall in the first Place Publickly in Open Court take the Oath mentioned and appointed to be taken by the said first recited Act, and such President having taken the Oath in Manner aforesaid shall immediately administer the same to every Person who shall sit and have and give a Voice in the said Court upon the Tryal of such Prisoner or Prisoners as aforesaid.

AND lastly, We do hereby direct, empower, and require you Our said Commissioners to proceed, act, adjudge and determine in all Things according to the Powers, Authorities and Directions of the above recited Acts, and of these Presents: And these Presents, or the Entry or Enrollment thereof, shall be unto you and each and every of you for so doing a sufficient Warrant and Discharge. Proceedings.

IN WITNESS whereof, We have caused these Our Letters to be made Patent. Witness Ourself, at *Westminster*, the Twenty-seventh Day of *January*, in the First Year of Our Reign. In Witness, &c.

By Writ of Privy Seal.

YORKE AND YORKE.

LETTERS PATENT ESTABLISHING RECORDERS' COURTS AT FORT ST. GEORGE AND BOMBAY,

Bearing Date the Twentieth Day of *February*, in the Thirty-eighth Year of the Reign of *GEORGE* III., *Anno Domini*, One Thousand Seven Hundred and Ninety-eight.

Recital of Charter, 8th January 1753.

GEORGE the Third, by the Grace of GOD, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, and so forth, To all to whom these Presents shall come, Greeting. WHEREAS Our Royal Grandfather, King *George* the Second, of glorious Memory, by His Letters Patent, under the Great Seal of *Great-Britain*, bearing Date at *Westminster* the Eighth of *January*, in the Twenty-sixth Year of His Reign, did, of His especial Grace, certain Knowledge, and mere Motion, for Himself, His Heirs, and Successors, amongst other Things, give and grant, unto the *United Company of Merchants of England, Trading to the East-Indies*, and their Successors; and did ordain, direct, establish, and appoint, That there should be, thereafter, within the Town or Factory of *Madraspatnam*, on the *Coast of Coromandel*, in the *East-Indies*, one Body Politic and Corporate, by the Name of the *Mayor and Aldermen of Madraspatnam;* and that such Body Politic and Corporate should consist of a Mayor and Nine Aldermen, to be respectively elected and appointed in manner therein mentioned; and that the said Body Corporate, by the Name aforesaid, should have perpetual Succession: And our said Royal Grandfather did further grant, ordain, direct, and appoint, That the Mayor and Aldermen, for the Time being, of *Madraspatnam* aforesaid, should, for ever thereafter be, and they were thereby constituted, a Court of Record, by the Name of the *Mayor's Court at Madraspatnam*, with such Powers, Jurisdictions, and Authorities, as in the said Letters Patent are mentioned. AND by the same Charter, It is Ordained, That any Person or Persons, thinking himself or themselves aggrieved by any Judgment, Sentence, or Decree of the said Mayor's Court, might appeal to the Governor or President and Council of *Fort St. George*, for the Time being, who, or any Three or more of them, are thereby, in the Manner therein-mentioned, appointed to be, for ever thereafter, a Court of Record, for that Purpose, to receive such Appeals, and to hear and determine the same, and to do all other Acts, Matters, and Things, necessarily incident thereto, subject to such Provisions, Regulations, and Restrictions, as in the same Charter are contained: And, by the said Charter, the Governor or President and Council of *Fort St. George*, for the Time being, are appointed Justices of the Peace; and are, in the Manner therein-mentioned, authorised and appointed to hold Quarter Sessions of the Peace, and, at all Times thereafter, to be a Court of Record, in the Nature of a Court of Oyer and Terminer and Gaol Delivery; and, from Time to Time, and at all Times thereafter, to be Commissioners of Oyer and Terminer and Gaol Delivery, for the trying and punishing such Offenders and Offences, and in such Manner, as in the said Charter are and is mentioned: And, by the same Letters Patent, Our said Royal Grandfather did also further grant, unto the said *Company*, and their

Successors, and did ordain, establish, and appoint, That there should be, for ever thereafter, within the Town or Factory of *Bombay*, on the Island of *Bombay*, in the *East-Indies*, one other Body Politic and Corporate, by the Name of the *Mayor and Aldermen of Bombay;* and that such last-mentioned Body Politic and Corporate should consist of a Mayor and Nine Aldermen, to be respectively elected and appointed in Manner in the said Letters Patent mentioned; and that the said last-mentioned Body Corporate, by the Name aforesaid, should have perpetual Succession: And Our said Royal Grandfather did, thereby, further grant, ordain, direct, and appoint, That the Mayor and Aldermen of *Bombay* aforesaid, for the Time being, should, for ever thereafter, be, and they were thereby constituted, a Court of Record, by the Name of the *Mayor's Court of Bombay*, with such Powers, Authorities, and Jurisdictions, as in the said Letters Patent are also mentioned. AND, by the same Charter, It is further Ordained, That any Person or Persons, thinking themselves aggrieved by any Judgment, Sentence, or Decree of the said Mayor's Court, might appeal to the Governor or President and Council of *Bombay*, for the Time being, who, or any Three or more of them, are thereby, in the Manner therein-mentioned, appointed to be, for ever thereafter, a Court of Record, for that Purpose, to receive such Appeals, and to hear and determine the same; and to do all other Acts, Matters, and Things, necessarily incident thereto, subject to such Provisions, Regulations, and Restrictions, as in the same Charter are contained. AND, by the said Charter, the Governor or President and Council of *Bombay*, for the Time being, are appointed Justices of the Peace; and Power is thereby given to them to act as such, and to be and act as Commissioners of Oyer and Terminer and Gaol Delivery, and are authorised to hold, in the Manner therein-mentioned, Sessions of the Peace, and of Oyer and Terminer and Gaol Delivery, for the trying and punishing such Offenders and Offences, and in such Manner, as in the said Charter are and is mentioned.

Recital of the Act, 37th Geo. III, Cap. 142.

AND WHEREAS, by an Act of Parliament, passed in the Thirty-seventh Year of Our Reign, entitled "An Act for the better Administration of Justice at *Calcutta*, *Madras*, and *Bombay;* and for preventing *British* Subjects from being concerned in Loans to the Native Princes in *India;*" reciting, among other Things, That the said Charter does not sufficiently provide for the due Administration of Justice in such Manner as the State and Condition of the *Company's* Settlements at *Madraspatnam* and *Bombay* do and must require, It is, amongst other Things, enacted, That it shall and may be lawful for Us, by Charter or Letters Patent, under the Great Seal of *Great-Britain*, to erect and establish a Court of Judicature at *Madras* and *Bombay* respectively, to consist of the Mayor and Three of the Aldermen resident at the said Settlements of *Madras* and *Bombay* respectively, for the Time being, which Aldermen are, from Time to Time, to be selected in such Manner as shall be directed and prescribed by Us in the said Charter, together with One other Person at each of the said Settlements, to be named, from Time to Time, by Us, Our Heirs, and Successors, which said Person is to be a Barrister of *England* or *Ireland*, of not less than Five years standing, and which said Person, so appointed, is to be the President of the said Court, and is to be styled the *Recorder of Madras* and *Bombay* respectively; and that the said Courts should have full Power and Authority to exercise and perform all Civil, Criminal, Ecclesi-

astical, and Admiralty Jurisdiction, and to appoint such Ministerial Officers as may be necessary, and to form and establish such Rules of Practice, and such Rules for the Process of the said Court, and to do all such other Things as shall be necessary for the Administration of Justice, and the due Execution of all or any of the Powers which might, by the said Charter, be committed to the said Courts; and that the same should also be, at all Times, Courts of Oyer and Terminer and Gaol Delivery, in and for *Fort Saint George*, and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and in and for the Town and Island of *Bombay*, and the Limits thereof, and the Factories subordinate thereto, respectively: And, by the said Act, divers Provisions are made, touching the Extent of the said Charter, and the Jurisdiction, Powers, and Authorities to be thereby established. AND it is further (among other Things) by the said Act enacted, That so much of the said Charter granted by Our said Royal Grandfather, as confers any Civil, Criminal, or Ecclesiastical Jurisdiction upon the Mayor's Courts of *Madras* and *Bombay*, respectively, or upon the President and Council, as a Court of Appeal from the said Courts, or of Oyer and Terminer and Gaol Delivery of the said Settlements, or the Subordinates thereto belonging, in case a new Charter should be granted by Us in Pursuance of the said Act, and should be openly published at *Madras* and *Bombay* respectively, from and immediately after such Publication shall cease and determine, and be absolutely void, to all Intents and Purposes; and all Judicial Powers and Authorities granted by any Act or Acts of Parliament to the said Mayor's or Courts of Appeal at the said Settlements, should cease and determine, and be no longer exercised by the said Courts; but that the same should and might be exercised by the Courts of Judicature to be erected by virtue of the said Act, in the Manner, and to the Extent in the said Act before directed: But, nevertheless, the said Charter should, in all other Respects, continue in full Force and Effect, to all Intents and Purposes, according to the true Intent and Meaning thereof, except in so far as it is altered or varied by the said Act, as fully and effectually, as if the said Act had not been made, or such new Charter had not been granted. AND it is further enacted, That during such Time as the said Settlements of *Madras* and *Bombay*, respectively, should remain in the Possession of the said *United Company*, the *Court of Directors* of the said *United Company* should, and they are thereby required, to direct and cause to be paid to the Recorder of the said Court of Judicature at *Madras*, the yearly Sum of Five Thousand Pounds, and to the Recorder of the Court of Judicature at *Bombay*, the yearly Sum of Five Thousand Pounds; and that such Salaries should be paid to them, and each of them, for the Time being, out of the Revenues of the said respective Settlements of *Madras* and *Bombay*, at an Exchange of Eight Shillings *per* the Pagoda at *Madras*, and of Two Shillings and Six Pence *per* the *Bombay* Rupee at the Settlement at *Bombay*. And it is, by the said Act, further enacted, That the said Salaries shall take place and commence, in respect to such Persons as should be resident in *Great-Britain* at the Time of their Appointment, upon and from the Day on which such Person should embark from *Great-Britain;* and that the Salaries of all such Persons who should, at the Time of their Appointment, be resident in *India*, should commence and take place from and after their respectively taking upon them the Execution of their Office, as aforesaid; and that all such Salaries

should be in Lieu of all Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever, as by the said Act may more plainly and at large appear.

Court of the Recorder of *Madras* established.

Now know ye, That We, upon full Consideration of the Premises, and of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to grant, direct, ordain, and appoint, and by these Presents We do, accordingly, for Us, Our Heirs, and Successors, grant, direct, ordain, and appoint, that there shall be, within the Settlement of *Madras*, a Court of Record, which shall be called the *Court of the Recorder of Madras;* and We do hereby create, direct, and constitute the said Court of the Recorder of *Madras* to be a Court of Record.

To consist of the Recorder, Mayor, and Three Aldermen.

And We do further will, ordain, and appoint, That the said Court of the Recorder of *Madras* shall consist of, and be holden by and before One principal Judge, who shall be and be called the *Recorder of Madras*, and who shall be the President of the said Court, and by and before the Mayor and Three of the Aldermen, for the Time being, of *Madras*, appointed, or to be appointed, under and by virtue of the said recited Charter of Our said Royal Grandfather and resident at the said Settlement of *Madras;* and which Three Aldermen shall be, from Time to Time, selected in Rotation, in the Manner herein-after prescribed and directed.

Qualification and Mode of Appointment of the Recorder.

And We do further will, ordain, and appoint, That the said Recorder of *Madras* shall, at all Times, be a Barrister of *England* or *Ireland*, of not less than Five Years standing, to be named and appointed, from Time to Time, by Us, Our Heirs, and Successors, by Letters Patent under Our and Their Great Seal of *Great-Britain*, who shall hold the said Office during the Pleasure of Us, Our Heirs, and Successors, and not otherwise.

His Rank.

And We do hereby give and grant unto the said Recorder, Rank and Precedence above and before all Our Subjects, whomsoever, within the Territories subject to the Government of *Fort Saint George;* excepting the Governor-General of *Fort William* in *Bengal*, and the Governor of *Fort Saint George*, for the Time being; and excepting all such Persons as, by Law and Usage, take Place in *England* before Our Chief Justice of Our Court of King's Bench.

Provision for a Rotation of Aldermen, to sit and assist as Judges.

And We do further will, ordain and appoint, That Three of the said Aldermen shall, from Time to Time, be Judges of the said Court, and shall sit and act accordingly, in Rotation, from Term to Term, in Manner following, that is to say; We will, ordain, and appoint, That immediately upon the Publication of this Our Charter at *Madras* aforesaid, the Three Senior Aldermen, then resident at the said Settlement of *Madras*, shall sit and act as Judges of the said Court, until the First Day of the Second Term, which shall be appointed for the Sitting of the said Court (under the Power herein-after contained) next after the Publication of this Our Charter; and the Three Aldermen, resident at the said Settlement, who shall be the Three Senior Aldermen so resident, exclusive of the Three who shall have been the Judges of the said Court in the preceding Term (if there shall then be so many resident Aldermen) shall sit and act as Judges of the said Court, on and from the First Day of the said Second Term, next after the Publication of this Our Charter, as aforesaid, until the First Day of the Third Term, which shall happen next after the Publication of this Our Charter; and that then the Three other resident Aldermen (if so many there shall be, who shall not have

sat and acted as Judges of the said Court) shall sit and act as Judges of the said Court, on and from the First Day of the Third Term, until the First Day of the Fourth Term, which shall happen next after the Publication of this Our Charter; and so in Rotation, from Term to Term, Three of the said Aldermen, for the Time being, resident at the said Settlement, shall, according to Seniority, on and from the First Day of One Term, until the First Day of the next Term, sit and act as Judges of the said Court, the Senior Aldermen, resident at the said Settlement, being always preferred to their Juniors, in such Rotation.

Provision for the absence, or vacancy in the office, of any of the Aldermen.

PROVIDED ALWAYS, That if, at any Time it shall so happen, that there shall not be resident, at the said Settlement, Three Aldermen, who, according to the Rotation intended to be hereby established, shall be capable of sitting and acting, for any Term, as Judges of the said Court, either by reason of the Absence of any of the said Aldermen from the said Settlement, or the Vacancy of the Office of Alderman, the resident Alderman, next in Seniority, who would, according to the Rotation intended to be hereby established, be next entitled to sit and act as a Judge of the said Court in a succeeding Term, shall sit and act in such prior Term, together with such Aldermen, resident at the said Settlement, as, according to the Rotation aforesaid, shall be capable of sitting and acting, as aforesaid, during such Term; and if there shall be a default of more than One resident Alderman, entitled to sit and act for any Term, according to the Rotation aforesaid, Two or Three of the Aldermen, resident at the said Settlement, and intitled to sit in a succeeding Term, as the Case shall require, shall sit and act for such prior Term, so as to keep up the Number of Three for each Term, the Seniors being always preferred to their Juniors, in such Rotation, as aforesaid. Provided always, That any such Alderman who shall so sit and act, as aforesaid, for any Term out of his Rotation, shall not sit and act in the next, or succeeding Term, when, according to the Rotation aforesaid, he would be intitled to sit and act, as aforesaid; except in case of Necessity, by reason of the Absence or Vacancy of the Office of so many Aldermen, that there will not otherwise be Three Aldermen, capable of sitting and acting as Judges of the said Court; It being Our Intention, that no Alderman shall sit and act in Two succeeding Terms, or until Two Terms shall have elapsed, after he shall have sat and acted as a Judge of the said Court, except in Cases of Necessity, by Reason of the Absence of One or more of the said Aldermen, or Vacancy of the Office of One or more of the said Aldermen.

Who to be competent to hold Courts.

AND We do further will, ordain, and appoint, That the said Recorder of *Madras*, either with the Mayor, or with any One or more of the Aldermen, Judges of the said Court, for the Time being, as aforesaid, shall, at all Times, be competent to hold Courts, and exercise all Powers, Jurisdictions, and Authorities, and do all Acts which may lawfully be exercised or done by the said Court of the Recorder of *Madras;* but in case of the Death or Absence of the Recorder, or in case of the Vacancy of the Office of Recorder, and in the Absence of the Person appointed to act as Recorder, as herein-after provided, then the Mayor, together with any One or more of the Three Aldermen, Judges of the said Court, for the Time being, or in case of the Death or Absence of the Mayor, or Vacancy of the Office of Mayor, then the Three Aldermen, Judges of the said Court, for the Time being, or any Two of them,

and none other, shall be competent to hold Courts, and exercise all Powers, Jurisdictions, and Authorities, and do all Acts which may lawfully be exercised and done by full Courts. And We do further will, ordain, and appoint, That in case of the Absence of the Recorder of *Madras* from any Court or Courts, then and in such case the Mayor, if he shall be present, and in case of his Absence, then the Senior of the Aldermen of *Madras*, Judges of the said Court, in Rotation, who shall be present, shall act as the President of the said Court, during such Absence. Provided always, That (except in the Case of the Vacancy of the Office of Recorder of *Madras*, and in the Absence of the Person herein-after appointed to act as Recorder, during such Vacancy by Death of the Recorder) it shall not be lawful for the said Court to transact any Business whatever, unless the Recorder, or the Person so appointed to act as Recorder, shall be present, or, by Writing under his Hand, to be entered upon the Proceedings of the said Court, shall authorise the Court to sit in his Absence. Provided also, That it shall be lawful for any One Judge of the said Court to adjourn any Court, in case by Reason of the Absence of any Judge or Judges of the said Court, or for any other Reason, the said Court shall not be competent to proceed to Business.

Provision, that in case of the Death of a Recorder the Junior Puisne Judge of the Supreme Court at *Calcutta*, shall act as Provisional Recorder.

And We do further will, ordain, and appoint, That whenever it shall happen that the Recorder of *Madras* shall die, and no Person shall be upon the Spot, who shall be appointed by Us, Our Heirs, or Successors, to succeed to such Recordership; in such Case, and as soon as the same shall be made known to the Supreme Court of Judicature at *Calcutta*, the Junior Puisne Judge of the said Court shall proceed, with all convenient Speed, to *Madras*, and shall there take upon himself the said Office of Recorder, and shall hold and exercise the same, in as full and ample a Manner, and with the like Powers, Privileges, and Exemptions, in all Respects, as if he had been appointed Recorder of the said Settlement by Us, Our Heirs, or Successors; and shall continue to hold and exercise the said Office, until a Recorder shall be appointed by Us, Our Heirs, or Successors, and until such Recorder shall arrive at *Madras*, and no longer.

The Court invested with a Jurisdiction, similar to the Jurisdiction of the King's Bench in *England*.

And it is Our further Will and Pleasure, That the said Recorder, and such of the said Mayor and Aldermen who, for the Time being, shall be Judges of the said Court of the Recorder of *Madras*, shall severally and respectively be, and they are all and every of them hereby appointed to be, Justices and Conservators of the Peace, and Coroners, within and throughout the Settlement of *Fort Saint George* and the town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and all the Territories which, now are, or hereafter may be subject to, or dependent upon the Government of *Madras*, aforesaid; and to have such Jurisdiction and Authority as Our Justices of Our Court of King's Bench have, and may lawfully exercise, within that Part of *Great-Britain* called *England*, as far as Circumstances will admit.

All Acts of the Court to be done by the Majority of the Judges present, with a casting Voice to the President.

And We further will and ordain, That all Judgments, Rules, Orders and Acts of Authority or Power, whatsoever, to be made or done by the said Court of the Recorder of *Madras*, shall be made or done by and with the Concurrence of the Persons, for the Time being, sitting and acting as Judges thereof, or so many of them as shall be, on such Occasions respectively, assembled and sitting as a Court, or of the major Part of them so assembled and sitting.

Provided always, That in Case they shall be equally divided, the Recorder, or in his Absence the President, for the Time being, of the said Court, shall have a double, or casting Voice.

The Court to have a Seal, bearing His Majesty's Arms, which is to be kept by the Recorder.

AND We do further grant, ordain, and appoint, That the said Court of the Recorder of *Madras* shall have and use, as Occasion may require, a Seal, bearing a Device and Impression of Our Royal Arms, within an Exergue or Label, surrounding the same, with this Inscription, "The Seal of the Court of the Recorder of *Madras*." And We do hereby grant, ordain, and appoint, That the said Seal shall be delivered to, and kept in the Custody of the said Recorder; and in case of Vacancy of the Office of Recorder, the same shall, from Time to Time, be delivered over to, and kept in the Custody of the Mayor, for the Time being; and in case, also, of the Vacancy of the Office of Mayor, then of the Senior Alderman of *Madras*, in turn, from Time to Time, to act as a Judge of the said Court, until the Arrival of the Judge from the said Supreme Court of Judicature at *Calcutta*, and his taking upon him the said Office of Recorder, and then in the Custody of such Judge, during such Time as he shall act as Recorder, as aforesaid. And We do hereby grant, ordain, and appoint, That if it shall happen, that the said Seal shall, by any means, come to the Hands of any Person or Persons, other than the Recorder of *Madras*, aforesaid, or such Person as, for the Time being, is hereby authorized to have the Custody thereof, the said Court of the Recorder of *Madras* shall be, and is hereby authorized and empowered, to demand, seize, and take the said Seal, from any Person or Persons whomsoever, by what Ways and Means soever the same may have come to his, her or their Possession, other than the Person, for the Time being, hereby authorized and required to have the Custody thereof; and shall forthwith deliver such Seal to the said Recorder, or to such other Person as shall be, for the Time being, authorized by these Presents to have the Custody of such Seal as aforesaid.

All Writs are to be issued under the Seal in the Name of the King, and to be attested in the Name of the Recorder or President of the Court, for the Time being.

AND We do hereby further grant, ordain, and appoint, That all Writs, Summonses, Precepts, Rules, Orders, and other Mandatory Process, to be used, issued, or awarded by the said Court of the Recorder of *Madras*, shall run and be in the Name and Style of Us, or of Our Heirs and Successors, and shall be sealed with the Seal of the said Court of the Recorder of *Madras*, and shall have and bear the Attestation of the Recorder, or during a Vacancy of the said Office of Recorder, then of the Mayor; and in case of the Vacancy of the Office of Mayor, then of the Senior Alderman of *Madras*, for the Time being, Judge of the said Court, until the Arrival of the Judge from the Supreme Court of Judicature at *Calcutta*, as aforesaid, and his taking upon him the Office of Recorder, and then of such Judge, so acting as Recorder, and shall be signed by the proper Officer, whose Duty it shall be to prepare and make out the same, respectively.

Salary to the Recorder, in Lieu of all Perquisites.

AND We do further grant, appoint, and declare, That the said Recorder of *Madras*, shall, so long as he shall hold the said Office, be entitled to have and receive the Salary, in and by the said recited Act of Parliament provided for that purpose, that is to say, the Yearly Sum of Five Thousand Pounds, to commence and be paid, and payable at such Time, and at such Exchange, and in such Manner and Form, as is in the said Act specified and directed. And We do hereby ordain, appoint, and declare, That the said Salary shall be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever;

and that no Fees of Office, Perquisites, Emoluments, or Advantages, whatsoever, other than and except the said Salary, shall be accepted, received, or taken, by such Recorder, in any Manner, or on any Account or Pretence whatsoever. And We do further grant, appoint, and declare, That such Judge, from the said Supreme Court of Judicature at *Calcutta*, who shall act as Recorder, as hereinbefore is mentioned, during a Vacancy, and until the Arrival of the Person appointed to succeed to the said Office of Recorder, shall be entitled to receive a proportion of Salary, and no more than would have become due to such Recorder, during the Period while the Vacancy shall be supplied by such Judge; and no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, other than and except such Proportion of Salary, as aforesaid, shall be accepted, received, or taken by such Judge, so acting as Recorder: And that no Recorder, or Judge from the said Supreme Court, acting as Recorder, as aforesaid, during the Time of holding and exercising the said Office of Recorder, shall be capable of accepting, taking, or performing any other Office, Place, or Employment, of any Denomination whatsoever, on pain that the Acceptance of any such other Office, Place, or Employment, shall be and be deemed in Law, *de facto*, an Avoidance of his Office of Recorder, and the Salary thereof shall cease, and be deemed to have ceased, accordingly. Nevertheless, in the Case of One of the Judges of the said Supreme Court of Judicature at *Calcutta* acting as Recorder, during a Vacancy, We ordain and declare, That his Appointment as such Judge of such Supreme Court shall not be vacated; nor shall his Right to his Salary, as such Judge of the said Supreme Court, be affected, by Reason of his exercising the Office of Recorder, as aforesaid; nor shall he thereby be disabled from accepting the Office of Chief Justice of the said Supreme Court.

And the Recorder is prohibited from engaging in any other Office or Employment, on pain of Forfeiture.

AND We do hereby constitute and appoint Our trusty and well beloved *Thomas Andrew Strange*, Esquire, to be the First Recorder of *Madras*, in manner aforesaid, the said *Thomas Andrew Strange* being a Barrister in *England* of Five Years standing, and upwards.

Thomas Andrew Strange, Esq. appointed the First Recorder.

AND We do further, for Us, Our Heirs, and Successors, grant, ordain, and appoint, That the Person who shall be the Sheriff at *Fort Saint George*, or *Madraspatnam*, at the Time of the Publication of this Our Charter at the Presidency of *Fort Saint George*, shall be and continue the Sheriff, until another shall be duly appointed and sworn into the said Office. And We do further, for Us, Our Heirs, and Successors, grant, direct, and appoint, That the Governor or President and Council of *Fort Saint George* aforesaid, for the Time being, or the major Part of them (whereof the said Governor or President, or in his Absence, the Senior of the Council, then residing at *Fort Saint George* aforesaid, to be One) shall, yearly, on the First *Tuesday* in *December*, assemble themselves, and proceed to the Appointment of a new Sheriff for the Year ensuing, to be computed from the Twentieth Day of *December* next after such Appointment; which Sheriff, when appointed, shall, as soon as conveniently may be, and before he shall enter upon his said Office, take an Oath faithfully to execute his Office, and the Oath of Allegiance, before the Governor, or, in his Absence, the Senior Member of the Council there present (who are hereby respectively authorized to administer the same) and shall continue in such Office during the Space of One whole Year, to be computed from the said Twentieth Day of *December*, and until another shall be duly appointed and

Provision as to Sheriff.

sworn into the said Office: And in case such Sheriff shall die in his Office, or depart from the *Coast of Coromandel*, then another Person shall and may, as soon as conveniently may be, after the Death or Departure of such Sheriff, be, in like Manner, appointed and sworn in as aforesaid, and shall continue in his Office for the Remainder of the Year, and until another Sheriff shall be duly appointed and sworn into the said Office. And We do further order, direct, and appoint, That the said Sheriff and his Successors shall, by themselves, or their sufficient Deputies, to be by them appointed and duly authorized under their respective Hands and Seals, and for whom he and they shall be responsible during his or their Continuance in such Office, execute, and the said Sheriff, and his said Deputies are hereby authorized to execute, all the Writs, Summonses, Rules, Orders, Warrants, Commands, and Process of the said Court of the Recorder of *Madras*, and make Return of the same, together with the Manner of the Execution thereof, to the said Court of the Recorder of *Madras;* and to receive and detain in Prison all such Persons as shall be committed to the Custody of such Sheriff by the said Court of the Recorder of *Madras*, or by the Recorder, or any of the said Judges of the said Court respectively.

The Sheriff's Duty defined.

AND We further direct, ordain, and appoint, That whenever the said Court of the Recorder of *Madras* shall direct or award any Process against the said Sheriff, or award any Process, in any Cause, Matter, or Thing, wherein the said Sheriff, on Account of his being related to the Parties, or any of them, or by Reason of any good Cause of Challenge, which would be allowed against any Sheriff in that Part of *Great-Britain* called *England*, cannot, or ought not, by Law, to execute the same, in every such Case, the said Court of the Recorder of *Madras* shall name and appoint some other fit Person to execute and return the same; and the said Process shall be directed to the said Person so named for that Purpose, and the Cause of such Special Proceedings shall be suggested, and entered on the Records of the said Court.

And the Court is empowered to cause Writs, &c. to be directed to any other Person for Execution, where the Sheriff is interested.

PROVIDED ALWAYS, and We hereby ordain and declare, That the said Court of the Recorder of *Madras* shall fix certain Limits, beyond which the said Sheriff shall not be compelled or compellable to go, in Person, or by his Officers or Deputies, for the execution of any of the Process of the said Court, and upon Occasions where the Process of the said Court shall be to be executed, in any Place or Places beyond the said Limits, so to be fixed, we grant, ordain, and direct, That the Recorder shall, by order, subject to the Revision and Controul of the Court, or the said Court shall, upon Motion, direct, by what Person or Persons, and in what Manner, such Process shall be executed, and the Terms and Conditions which the Party issuing the same shall enter into, in order to prevent any improper Use or Abuse of the Process of the Court; And the said Sheriff shall, and he is hereby required to grant his Special Warrant, or Deputation, to such Person or Persons as the said Recorder, or the said Court, may direct, for the Execution of such Process: And, in that case, We direct and declare, That the said Sheriff, his Executors or Administrators, shall not be responsible or liable for any act to be done, in or in any Ways respecting the Execution of such Process, under, and by virtue of such Special Warrant; and any Person or Persons being aggrieved under, or by Pretence of such special Warrant, shall and may seek their Remedy, under any Security which the said Recorder, or the Court, may have directed to be

Court to fix Limits, beyond which the Sheriff is not bound to execute Process, and Provision for Execution of Process beyond such Limits.

taken upon the Occasion, and which they are hereby authorized to direct to be taken.

Court to admit Advocates and Attornies.

AND We do hereby further authorize and empower the said Court of the Recorder of *Madras* to approve, admit, and enroll, such and so many Persons, being, *bona fide*, Practitioners of the Law in the said Mayor's Court at *Madras*, at the Time of the Publication of this Our Charter at *Madras*, or having been admitted Barristers at Law in *England* or *Ireland*, or having been admitted Attornies or Solicitors in One of Our Courts at *Westminster*, or being otherwise capable, according to such Rules and Qualifications as the said Court shall, for that Purpose, make and declare, to act, as well in the Character of Advocates as of Attornies, in the said Court, and which Persons, so approved, admitted, and enrolled, as aforesaid, shall be, and are hereby authorized to appear, and plead, and act, for the Suitors of the said Court, subject always to be removed by the said Court from their Station therein, upon reasonable Cause; And We do declare, That no other Person or Persons, whatsoever, shall be allowed to appear and plead, or act, in the said Court of the Recorder of *Madras*, for and on the Behalf of such Suitors, or any of them. Provided always, and We do hereby further ordain and declare, That no Person, from and after the Date of these Our Letters Patent, other than the said Persons, being, *bona fide*, Practitioners of the Law in the said Mayor's Court, at the Time of the Publication of this Our Charter, shall be capable of being admitted or enrolled, or of practising in the said Court, without the Licence of the said *United Company*, for that Purpose, first had and obtained.

Appointment of Clerks, and other Officers.

AND We do further authorize and empower the said Court of the Recorder of *Madras*, from Time to Time, as Occasion shall require, to appoint so many, and such Clerks, Registers, Proctors, and other Ministerial Officers, as shall be found necessary for the Administration of Justice, and the due Execution of all the Powers and Authorities, which are and shall be granted and committed to the said Court, by these Our Letters Patent.

Fees to be settled by the Court, subject to the Revision of the Governor of *Fort Saint George*, in Council.

AND We do hereby further authorize and empower the said Court of the Recorder of *Madras*, to settle a Table of the Fees to be allowed to such Sheriff, Attornies, and all other the Clerks and other Officers, aforesaid, for all and every Part of the Business to be done by them, respectively, which Fees, when approved by the said Governor of *Fort Saint George*, in Council, (to whom We hereby give Authority to review the same) the said Sheriff, Attornies, Clerks, and other Officers, shall and may lawfully demand and receive: And We do further authorize the said Court of the Recorder of *Madras*, with the like Concurrence of the said Governor in Council, from Time to Time, to vary the said Table of Fees, as there shall be occasion. And it is Our further Will and Pleasure, and We do hereby require and enjoin the said Court, within One Year after these Our Letters Patent shall have been published at *Madras* aforesaid, and within One Month from the said Settling and Allowance of the said Table of Fees, to certify, under their several Hands and Seals, and to transmit to the President of the Board of Commissioners for the Affairs of India, to be laid before Us, Our Heirs, and Successors, for Our and Their Royal Approbation and Correction, a true Copy of the said Table of Fees, together with the Approbation of the said Governor in Council, and also any Variation of the said Table, to be made as aforesaid, within One Month after the same shall have been so varied. And We further direct and appoint, That the said

A true Copy of the Table of Fees to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before the King for his Approbation and Correction.

Table, and the said Alterations and Variations thereof (if any Alteration or Variation shall be made) shall be hung up in some conspicuous Part of the Hall or Place, where the said Court of the Recorder of *Madras* shall be publicly holden.

The Jurisdiction of the Court defined.

AND We do further direct, ordain, and appoint, That the Jurisdiction, Powers, and Authorities of the said Court of the Recorder of *Madras*, shall extend to all *British* Subjects, who shall reside within any of the Factories, subject to, or dependent upon the Government of *Madras;* and that the said Court shall be competent and effectual, and shall have full Power and Authority to hear and determine all Suits and Actions, whatsoever, against any of Our said Subjects, arising in Territories subject to, or dependent upon, or which hereafter shall be subject to, or dependent upon the said Government, or within any of the Dominions of the Native Princes of *India*, in alliance with the said Government, or against any Person or Persons who, at the Time when the Cause of Action shall have arisen, shall have been employed by, or shall have been, directly or indirectly, in the Service of the said *United Company*, or any of the said Subjects of Us, Our Heirs, or Successors. And the said Court, hereby established, shall have like Power and Authority to hear, try, and determine, all and all Manner of Civil Suits and Actions, which, by the Authority of any Act or Acts of Parliament, may be heard, tried, or determined, by the Mayor's Court at *Madras*, aforesaid; and all Powers, Authorities, and Jurisdictions, of what Kind or Nature soever, which by any Act or Acts of Parliament, may be, or are directed to be exercised by the said Mayor's Court, shall and may be as fully and effectually exercised by the said Court of the Recorder of *Madras*, as the same might have been exercised and enjoyed by the said Mayor's Court. And We do hereby further direct and ordain, That the said Court of the Recorder of *Madras* shall, according to the said recited Act of Parliament of the Thirty-seventh Year of Our Reign, have full Power to hear and determine all Suits and Actions, that may be brought against the Inhabitants of *Madras:* Yet, nevertheless, in the Cases of *Mahomedans* or *Gentus*, their Inheritance and Succession to Lands, Rents, and Goods, and all Matters of Contract and Dealing, between Party and Party, shall be determined, in the Case of *Mahomedans*, by the Laws and Usages of the *Mahomedans*, and where the Parties are *Gentus*, by the Laws and Usages of the *Gentus*, or by such Laws and Usages as the same would have been determined by, if the Suit had been brought, and the Action commenced in a Native Court, and where one of the Parties shall be a *Mahomedan* or *Gentu*, by the Laws and Usages of the Defendant: And in all Suits, so to be determined by the Laws and Usages of the said Natives, the said Court shall make such Rules and Orders for the Conduct of the same, and frame such Process for the Execution of their Judgments, Sentences, or Decrees, as shall be most consonant to the Religions and Manners of the said Natives, and to the said Laws and Usages, respectively, and the easy Attainment of the Ends of Justice; And, in all Cases, such Means shall be adopted for compelling the Appearance of Witnesses, and taking their Examination, as shall be consistent with the said Laws and Usages, so that all Suits may be conducted with as much Ease, and at as little expence, as shall be consistent with the Attainment of substantial Justice.

As to the Inhabitants of *Madras*.

Certain Persons not to be arrested.

PROVIDED ALWAYS, and We do hereby declare, That nothing in this Charter shall extend, or be construed to extend, to subject the Person of the

Governor, or any of the Council at the said Settlement of *Madras*, or the Person of the Recorder of the said Court, or of the Mayor or Aldermen, for the Time, Judges of the said Court, according to the Rotation aforesaid, during such Time as they shall, respectively, be entitled to sit and act as Judges of the said Court, to be arrested or imprisoned, in any Suit, Action or Proceeding in the said Court; nor shall it be competent for the said Court to hear or determine, or to entertain or exercise Jurisdiction, in any Suit or Action, against the Governor, or any of the Council, at the said Settlement, for or on Account of any Act or Order, or any other Act, Matter, or Thing, whatsoever, committed, ordered, or done by them in their Public Capacity, or acting as Governor and Council; nor shall the said Court have or exercise any Jurisdiction, in any Matter concerning the Revenue under the Management of the said Governor and Council, respectively, either within or beyond the Limits of the said Town, or the Forts or Factories subordinate thereto, or concerning any Act done according to the Usage and Practice of the Country, or the Regulations of the Governor and Council. And We further will and declare, That no Person shall be subject to the Jurisdiction of the said Court, for or by Reason of being a Land-owner, Land-holder, or Farmer of Land, or of Land Rent, or for receiving a Pension or Payment in lieu of any Title to, or ancient Possession of Land or Land Rent, or for receiving any Compensation or Share of Profits for collecting Rents payable to the Public, out of such Lands or Districts as are actually farmed by himself, or those who are his Undertenants, by virtue of the Farm, or for exercising within the said Lands or Farms any ordinary or local Authority, commonly annexed to the Possession or Farm thereof, or for or by reason of his becoming Security for the Payment of the Rents reserved, or otherwise payable out of any Lands or Farms, or Farms of Lands, within the Dominions subject to the said Government of *Madras*: And no Person, for or by Reason of his being employed by the said Company, or the Governor and Council, or by any Person deriving Authority under them, or for or on Account of his being employed by a Native, or the Descendant of a Native of *Great-Britain*, shall become subject to the Jurisdiction of the said Court, in any Matter of Inheritance, or Succession to Goods or Lands, or in any Matter of Dealing or Contract, between Party and Party, except in Actions for Wrongs or Trespasses only. And provided also, and We do further declare, That no Action for Wrong or Injury shall lie against any Person, whatever, exercising a Judicial Office in any Country Court, for any Judgment, Decree, or Order of such Court, or against any Person for any act done by, or in virtue of the Order of such Court: And in case any Information is intended to be brought against any such Person or Officer, the same shall be brought and proceeded in, in the same Manner, and to all Intents and Purposes, in the same Form and to the same effect, as such Informations are directed to be proceeded in before the Supreme Court of Judicature at *Calcutta* in *Bengal*, by an Act passed in the Twenty-first Year of Our Reign, entitled, "An Act to explain and amend so much of an Act made in the Thirteenth Year of the Reign of His Present Majesty, entitled, 'An Act for establishing certain Regulations, for the better Management of the Affairs of the *East-India Company*, as well in India as in Europe,' as relates to the Administration of Justice in *Bengal;* and for the Relief of certain Persons imprisoned at *Calcutta* in *Bengal*, under a Judgment in the Supreme Court

Certain Cases in which the Court shall not have any Jurisdiction.

of Judicature; and, also, for indemnifying the Governor General and Council of *Bengal*, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court."

The Method of commencing and prosecuting Civil Suits.

AND to the End that Justice may be the more speedily and effectually administered in the said Court of the Recorder of *Madras*, Our Will and Pleasure is, and We do hereby further, for Us, Our Heirs, and Successors, grant, ordain, and appoint, That, upon any Cause of Action, upon which the said Court can hold Plea, it shall be lawful and competent, for any Person whatever, by himself or his lawful Attorney, duly admitted and inrolled in and by the said Court, in the Manner herein-before provided in that behalf, to prefer to the said Court, and file therein, of Record, a Plaint or Bill, in Writing, containing the Cause of Action or Complaint, whereupon the said Court shall, and is hereby authorized to award and issue a Summons, or Precept in Nature of a Summons, in Writing, to be prepared in Manner above-mentioned, directed to the said Sheriff, and containing a short Notice of the Cause of Action set forth in the said Plaint, and commanding the said Sheriff to summon the Person, against whom the said Plaint shall have been filed, to appear at some certain Time and Place, therein to be specified, to answer the said Plaint, which said Precept, and the Execution thereof, the said Sheriff shall duly return to the said Court, and the Person or Persons so summoned shall, accordingly, appear, and may plead such Matter in Abatement, Bar, or other Avoidance of the said Plaint, or otherwise, as he, she, or they shall be advised; and, after such Appearance, the said Court shall proceed, from Time to Time, giving reasonable Days to the Parties, to hear their respective Allegations, as Justice may require, and examine the Truth thereof, upon the Oath or Oaths of such competent and credible Witnesses as they shall produce respectively; to which End, We hereby authorize and empower the said Court, at the Request of either of the said Parties, to award and issue a Summons, or Precept in the Nature of a Summons, to be prepared in Manner before-mentioned, and directed to every One of such Witnesses, commanding him or her to appear, at a Time and Place to be specified in such Summons, to depose his or her Knowledge, touching the Suit so depending between the Parties, naming them, and specifying at whose request such Summons shall have issued; and, upon the Appearance of the said Witnesses, or any of them, the said Court may, and is hereby required to order and award to them, and each of them, such reasonable Sum of Money, for his, her, or their Expences, as the said Court shall think fit, whether such Witnesses shall be examined or not, the same to be paid forthwith, by the Party at whose Request the said Summons shall have issued; and if the said Sum of Money, so ordered and awarded, shall not be forthwith paid, or secured to such Witnesses, to the Satisfaction of the said Court, the Party to whom it shall belong to pay the same, shall not only lose the Benefit of the Testimony of such witnesses, but shall be compelled to pay him or her, the Money so ordered and awarded, by such Ways and Process as are herein-after provided, for levying and enforcing the Payment and Satisfaction of Money recovered by Judgments of the said Court: And the said Court is hereby authorized and empowered to administer to such Witnesses, and others whom they may see occasion to examine, proper Oaths and Affirmations, that is to say, to such Persons as profess the Christian Religion, an Oath or Affirmation, according to the

Witnesses to be summoned.

And are to be sworn in such Way as may be most binding on their Consciences.

Form used in *England* in like Cases; and to others, an Oath, or Oaths, or Affirmations, in such Manner and Form, as the said Court of the Recorder of *Madras* shall esteem most binding upon their Consciences, respectively. And the said Court is hereby authorized and required, to cause such Witnesses, so sworn or affirming, to be examined touching the Matters in Question; and in all Cases where, by Reason of the Amount in Value of the Matter in Dispute, an Appeal is allowed by these Our Letters Patent, from the Judgment or Determination of the said Court (but not in any Cases of less Value) the said Court of the Recorder of *Madras* is hereby authorized and required to reduce the Depositions of the Witnesses, so to be examined, or cause the same to be reduced into Writing, and subscribed by the several Witnesses, with their Names or other Mark, and to file the same of Record. And in Case any Person, so summoned, shall refuse, or wilfully neglect to appear and be sworn, or to affirm and be examined, and subscribe his or her Deposition, as the said Court shall appoint, the said Court is hereby empowered to punish such Person, so refusing, or wilfully neglecting, as for a Contempt, by Fine or by Imprisonment, or other Corporal Punishment, not affecting Life or Limb.

Witnesses, in Contempt, to be fined or imprisoned.

PROVIDED ALWAYS, That no Person, Native of *India*, shall be compelled, or compellable, or enforced to appear in the said Court, by Virtue of any Summons to appear as a Witness, or to appear in any other Manner, or to give Testimony, in any other Form than such Person could or might have been called upon to appear and give Testimony before any Native Court, according to the Laws and Usages of the Natives; and no such Native shall be liable to any Punishment, for any Contempt in not appearing or submitting to be sworn and examined, in any other Form or Manner than such Person could or might have been called upon, to appear and give Testimony before any such Native Court.

Proviso, that Native Witnesses are not to be called upon, otherwise than they could be called upon by a Native Court.

AND We do further give to the said Court of the Recorder of *Madras* full Power and Authority, upon examining and considering the several Allegations of the said Parties to such Suit, or of the Complainant alone, in case the Defendant should make default after Appearance, or say nothing, or confess the Plaint, and, on examining and considering the Depositions of the Witnesses, to give Judgment and Sentence, according to Justice and Right; and, also, to award and order such Costs to be paid, by either or any of the Parties, to the other or others, as the said Court shall think just.

The Court to give Judgment, according to Justice and Right;

AND we do further authorize and empower the said Court of the Recorder of *Madras* to award and issue a Writ or Writs, or other Process in Execution, to be prepared in Manner before-mentioned, and directed to the said Sheriff, for the Time being, commanding him to seize and deliver the Possession of Houses, Lands, or other Things, recovered in and by such Judgment, or to levy any Sum of Money which shall be so recovered, or any Costs which shall be so awarded, as the Case may require, by seizing and selling so much of the Houses, Lands, Debts, or other Effects, real and personal, of the Party or Parties against whom such Writs shall be awarded, as will be sufficient to answer and satisfy the said Judgment; or to take and Imprison the Body or Bodies of such Party or Parties, until he, she, or they shall make such Satisfaction, or to do both, as the Case may require: And We direct and appoint, that the several Debts to be seized, as aforesaid, shall, from the Time the same shall be extended and returned into the said Court of the Recorder of

and to award Execution against the Goods, Lands, or Person of the Debtor.

Madras be paid and payable, in such Manner and Form as the said Court shall appoint, and no other; and such Payment, and no other, shall, from thenceforth, be an absolute and effective Discharge for the said Debts, and every of them, respectively. And We do hereby further authorize and empower the said Court of the Recorder of *Madras* to make such further and other interlocutory Rules and Orders, as the Justice of the Proceeding may seem to require. And in Case the Party so summoned as aforesaid, shall not appear, upon the Return of such Summons or Precept, as aforesaid, according to the Exigence thereof, or if the Cause of Action, as contained in such Plaint, as aforesaid, shall exceed the Value of Fifty Pagodas, or shall be in the Nature of an enormous personal Wrong, and in either or any of the said Cases, the said Court, or the Recorder, or the President for the Time being, shall be satisfied, by Affidavit or Affirmation, to be filed of Record, that the Case is such as to require Security, then, after return of such Summons, or in Lieu thereof, the said Court, or the Recorder or President for the Time being (the Orders and Acts of the same, in this respect, out of Court, to be subject to the Review and Controul of the Court) is hereby authorized and empowered to award, and issue a Writ or Warrant, directed to the said Sheriff, commanding him to arrest and seize the Body of such Defendant; and to have the same, at a Time and Place in the said Writ to be specified, before the said Court, to answer the said Plaint. And the said Court may, in and by the said Writ or Warrant, authorize the said Sheriff to deliver the Body of such Defendant, so arrested, to sufficient Bail, that such Defendant shall appear, at a Time and Place mentioned in such Writ or Warrant, and, in all Things, perform and fulfil the Exigence thereof. And upon the Appearance of such Defendant, in and before the said Court, We do hereby authorize and empower the said Court to commit him to Prison, to the said Sheriff, unless and until he shall give Bail, to the Satisfaction of the said Court, for paying the Debt, Damages, and Costs, which shall be recovered against him in such Action, or for rendering himself to Prison; and in default thereof, that the Bail will pay such Debt, Damages, and Costs for him; which Bail We hereby empower the said Court to take, and thereupon to deliver the Body of the said Defendant to Bail. And if the said Sheriff shall make Return, upon either of the said Writs of Summons, or Capias, that the Defendant is not to be found within the Jurisdiction of the said Court, and the Plaintiff, or some other Person shall, by Affidavit, or in the Case of a Quaker, by Affirmation, in Writing, or otherwise, to the Satisfaction of the said Court, make Proof, verifying the Plaintiff's Demand, We do hereby grant, ordain, and appoint, That the said Court shall and may award and issue a Writ, in the Nature of a Writ of Sequestration, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to seize and sequester the Houses, Lands, Goods, Effects, and Debts of such Defendant, to such Value as the said Court shall think reasonable, and adequate to the said Cause of Action, so verified as aforesaid, and the same to detain, till such Defendant shall appear, and abide such Order of the said Court, as if he had appeared on the former Process: And the said Court shall, and is hereby authorized and empowered, according to their Discretion, either to cause the said Goods to be detained in Specie, or to be Sold, and to give Day to such Defendant, by Proclamation in open Court, from Time to Time, not exceeding Two Years in the Whole; and if such Defendant shall not appear on the last

And to make interlocutory Orders.

And, in certain Cases, to hold to Bail.

Effects of Defendants not appearing, or not to be found, may be sequestered;

Day, which the said Court, in their Discretion, shall think proper to give, it shall be lawful, and the said Court is hereby authorized to proceed, *ex parte*, to hear, examine, and determine the said Plaint and Suit, or Cause of Action, and to give such Judgment therein, and Award and Order such Costs, as aforesaid; and, if Judgment shall in such Case, pass for the Plaintiff, the said Court is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in Manner above-mentioned, commanding him to sell the said Houses, Lands, Goods, Effects, and Debts, so seized and sequestered, and to make Satisfaction, out of the Produce thereof, to the Plaintiff, for the Duty or Sum so recovered, and his Costs, and to return the Overplus, if any there be, after satisfying the said Judgment and Costs, and the Expences of the said Sequestration, to such Person, in whose Possession the said Effects were seized, or otherwise to reserve the same, for the Use of the said Defendant, as Occasion shall require; and if such Effects shall not be sufficient to produce the Sum so to be recovered, and the said Costs, the said Court is hereby further empowered to award and issue such Process of Execution for the Deficiency, as is herein-before provided for levying Money recovered by Judgment, and Costs; and if Judgment shall, in such last-mentioned Case, pass for the Defendant, the said Court is authorized and empowered to award and order the Costs of the said Suit, and the Expence of the said Sequestration, and all the Damages occasioned thereby, to be paid by the said Plaintiff to the said Defendant, or his Attorney, or the Person in whose Possession the said Effects were seized, the same to be levied by such Process as is herein-before provided for levying Costs; and the said Debts, from the Time of their being so seized and extended, and returned into Court, shall be payable in such Manner as the said Court shall direct, and no other.

and the Goods sold, to pay the Debt, when adjudged, which, after a Time, the Court may do *ex parte*.

And if insufficient, further Execution may be awarded.

And We hereby further will, direct, and ordain, That the said Court, hereby established, shall frame such Process, and make such Rules and Orders for the Execution of the same, in all Suits, Civil and Criminal, to be commenced, sued, or prosecuted, within their Jurisdiction, as shall be necessary for the due Execution of all or any of the Powers hereby committed thereto, with an especial Attention to the Religion, Manners, and Usages of the Native Inhabitants, living within its Jurisdiction, and accommodating the same to their Religion, Manners, and Usages, and to the Circumstances of the Country, so far as the same can consist with the due Execution of Law, and the Attainment of substantial Justice.

Court empowered to frame Rules and Process.

Provided always, and We do hereby further ordain and direct, That all Forms of Process, and Rules and Orders for the Execution thereof, which shall be framed by the said Court, shall be transmitted, from Time to Time, by the First convenient Opportunity, after the same shall be so framed, to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Us, Our Heirs, or Successors, for Our and Their Royal Approbation, Correction, or Refusal. And We ordain and direct, that such Process shall be used, and such Rules shall be observed, until the same shall be repealed or varied; and in the last Case, with such Variation as shall be made therein.

Forms of Process, and Rules and Orders, to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before the King, for His Approbation and Correction.

And whereas, in and by the said recited Charter of the Eighth Day of *January*, in the Twenty-sixth Year of the Reign of Our said Royal Grandfather, it is, amongst other Things, provided, That, in case of Actions or Suits against the said *United Company*, it should be lawful for the Court, thereby

Provision for the Prosecution of Suits against the *East-India Company*.

established, to issue their Summons to the Governor or President and Council, at *Fort Saint George*, to appear for the said *United Company*, with further Power to issue such Process against the said *Company*, and their Estate and Effects, as should be necessary to compel the Appearance of the said *Company*, and to raise and levy upon their Goods, Estate, or Effects, the Debts or Damages, together with such Costs of Suit as should be awarded by the said Court; and that in case of any Action or Suit, to be brought by the said *Company* against any other Person, it should be lawful for the said Governor or President and Council, to appear, and act for the said *Company;* and in case of Judgment given against the said *Company*, and Costs awarded, the same should be levied by the said Court upon the Goods and Effects of the said *Company*, as by the said Charter may more fully appear. Now, We, meaning also to extend the Powers and Authorities hereby given and granted for the due Administration of Justice, in the most beneficial Manner, to Our loving Subjects, do, for Us, Our Heirs, and Successors, further grant, ordain, and appoint, That the said Governor and Council of *Fort Saint George*, or their Successors, shall and may, from Time to Time, by their sufficient Warrant, to be filed of Record in the said Court of the Recorder of *Madras*, name and appoint some sufficient Person, resident in the said Town of *Madraspatnam*, to be the Attorney of the said *United Company*, who shall remain and act as Attorney to the said *Company*, so long as he shall reside in the said Town, or until some other fit Person, there resident, shall be appointed in his Place, in Manner above-mentioned; and if any such Plaint, as aforesaid, shall be filed in the said Court of the said Recorder, against the said *Company*, the said Court may, and is hereby empowered to award and issue such Summons or Precept, as aforesaid, directed to the said Sheriff, commanding him to summons the said *Company*, by their said Attorney, to appear, at the Time and Place therein to be specified, to answer to the said Plaint; and the Sheriff shall serve the same upon the said Attorney, and the said Attorney shall thereupon, appear for the said *Company;* and if the said *Company* shall not appear, in manner aforesaid, upon the return of the said Writ, the said Court may, and is hereby authorized, upon such default, to award and issue a Writ, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to seize and sequester such and so much of the Estate and Effects of the said *Company*, as, upon the Circumstances, the said Court shall think fit, to compel the Appearance of the said *Company*, at the Time and Place which shall be specified, for that Purpose, in such Writ of Sequestration; and for Default of Appearance upon the Return of such last-mentioned Writ, the said Court may, and is hereby impowered to issue such other Writ or Writs of Sequestration, till an Appearance of the said *Company* shall be duly entered and recorded in the said Court; and after such Appearance, the said Court shall and may proceed to hear and examine, try and determine, the said Action and Suit, in manner before-mentioned; and if Judgment shall be given, in such Action or Suit, against the said Company, the said Court may, and is hereby impowered to award and order reasonable Costs to be paid by the said *Company*, and to cause the Debt or Damages and Costs, so awarded, to be raised and levied of the Estates, Goods, and Chattels of the said *Company*, in such Manner as is herein-before provided, for Execution to be had in other Actions and Suits; and if the said Governor and Council shall refuse or

The Governor and Council of *Fort Saint George* are to appoint an Attorney for the *Company*,

in default whereof, the Court may name one.

neglect, at any Time, to make and appoint such Attorney of Record, the said Court is hereby empowered and authorized to name an Attorney for the said *Company*, upon Record, upon whom Process shall, in like manner, be served; And the said *Company* may also sue, in the said Court of the Recorder of *Madras*, in the same Manner, and to the same Effect, as any other Persons within the Jurisdiction thereof can or may do; and if Judgment shall be given against the said *Company*, the said Court of Judicature may order reasonable Costs to be paid by them to the Defendant, and to be raised and levied out of their Lands, Houses, Debts, Estates, Goods, and Chattels, in such Manner as is herein provided for Execution of Judgments on other Occasions; and if the said Company, after Four Sequestrations, and after the Expiration of Two Years, from the Service of the Summons above-mentioned, shall not appear, then the said Court of the Recorder of *Madras* may, and is hereby required, if the Plaintiff or Plaintiffs shall, by Affidavit (or being a Quaker, by Affirmation, in Writing) or otherwise, to the Satisfaction of the said Court, make Proof, verifying his, her, or their Demand, proceed to hear, examine, try, and determine the said Plaint and Cause, and to give such Judgment therein, and award such Costs, as aforesaid; and in case Judgment shall pass for the Plaintiff, the said Court is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in Manner before-mentioned, commanding him to sell the Goods and Effects, so seized and sequestered, and to make Satisfaction, out of the Produce thereof, to the Plaintiff or Plaintiffs, for the Debt so recovered, and his, her, or their Costs, and to return the Overplus, if any there be, after satisfying the said Judgment and Costs, and Expences of the said Sequestration, to such Person or Persons, in whose Possession the said Effects were so seized, to and for the Use of the said *United Company*; and if such Effects shall not be sufficient to produce the Sum so to be recovered, and the said Costs, the said Court is further empowered to award and issue such Process of Execution for the Deficiency, as is heretofore provided for levying Money recovered by Judgment and Costs; and if Judgment shall, in any Case, pass for the said *Company*, the said Court is hereby authorized and empowered to award and order the Costs of the said Suit, and the Expences of the said Sequestration, and all the Damages occasioned thereby, the same being first taxed, ascertained, and assessed by the proper Officer, to be paid by the said Plaintiff or Plaintiffs, to the Person or Persons in whose Possession the said Effects were seized, to and for the Use of the said Company, and the same shall be levied by such Process as is herein-before provided for levying Costs.

The Company may sue in the said Court, as any other Persons.

And it is Our further Will and Pleasure, and We do hereby, for Us, Our Heirs, and Successors, grant, ordain, and establish, That the said Court of the Recorder of *Madras* shall also be a Court of Equity, and have equitable Jurisdiction over the Person and Persons herein-before described and specified, or limited for its ordinary Civil Jurisdiction, as aforesaid, subject to the Restrictions and Exceptions herein-before, in that Behalf, expressed or contained, and not otherwise; and shall and may have full Power and Authority to administer Justice, in a summary Manner, according, or as near as may be, to the Rules and Proceedings of Our High Court of Chancery, in *Great-Britain*; and upon a Bill filed, to issue *Sub-pœnas*, and other Process, under the Seal of the said Court, to compel the Appearance, and Answer upon Oath, of the

An equitable Jurisdiction is then given to this Court, similar to the Court of Chancery,

Parties therein complained against, and Obedience to the Decrees and Orders of the said Court of Equity, in such Manner and Form, and to such Effect, as Our High Chancellor of *Great-Britain* doth, or lawfully may, under Our Great Seal of *Great-Britain*, or as near the same as Circumstances, and Condition of the Places and Persons under their Jurisdiction, and the Laws, Manners, Customs, and Usage of the Native Inhabitants, will admit.

with similar Authority over the Persons and Estates of Infants and Lunatics.

AND We do hereby authorize the said Court of the Recorder of *Madras* to appoint Guardians and Keepers for Infants, and their Estates, according to the Order and Course observed in that Part of *Great-Britain* called *England;* and also Guardians and Keepers of the Persons and Estates of natural Fools, and of such as are or shall be deprived of their Understanding or Reason, by the Act of God, so as to be unable to govern themselves and their Estates, which we hereby authorize and empower the said Court of the Recorder of *Madras* to enquire, hear, and determine, by Inspection of the Person, or by such other Ways and Means, by which the Truth may be best discovered and known.

Also Criminal Jurisdiction, as a Court of Oyer and Terminer.

AND it is Our further Will and Pleasure, and We do hereby grant, order, ordain, and appoint, That the said Court of the Recorder of *Madras* shall also be a Court of Oyer and Terminer and Gaol Delivery, in and for *Fort Saint George*, and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and shall have and be invested with the like Power and Authority, as Commissioners or Justices of Oyer and Terminer and Gaol Delivery have, or may exercise, in that Part of *Great-Britain* called *England*, to enquire, by the Oaths of good and sufficient Men, of all Treasons, Murders, and other Felonies, Forgeries, Perjuries, Trespasses, and other Crimes and Misdemeanors, heretofore had, done, or committed, or which shall hereafter be had, done, or committed, within *Fort Saint George*, and the said Town of *Madras*, or the Limits thereof, or the Factories subordinate thereto; and for that Purpose to issue their Warrant or Precept, to be prepared in Manner abovementioned, and directed to the said Sheriff, commanding him to summon a convenient Number, therein to be specified, of the principal Inhabitants, resident in *Fort Saint George*, or the said Town of *Madras*, being *British* Subjects of Us, Our Heirs, and Successors, to attend and serve, at a Time and Place therein also to be specified, as a Grand Jury or Inquest, for Us, Our Heirs and Successors, and present to the said Court such Crimes and Offences as shall come to their Knowledge; and the said Crimes and Offences to hear and determine, by the Oaths of other good and sufficient Men, being *British* Subjects of Us, Our Heirs, and Successors, and resident in *Fort Saint George*, or the said Town of *Madras*, or the Limits thereof, or the Factories subordinate thereto, and for that Purpose to issue a Summons or Precept, prepared in such Manner as is herein-before mentioned, and directed to the said Sheriff, commanding him to summon a convenient Number, to be therein specified, of such *British* Subjects, as aforesaid, and to try the said Indictment or Inquest; and if any Person or Persons, to be summoned upon such Grand or Petit Jury as aforesaid, shall refuse or neglect to attend, according to such Summons, and be sworn upon Inquest, We do hereby further empower the said Court of the Recorder of *Madras* to punish the said Contempt by Fine, or by Imprisonment for a reasonable Time, to be limited, or by both. And We do further empower the said Court of the Recorder of *Madras*, in like Manner, and under the like

Penalties, to cause all such Witnesses, as Justice shall require, to be summoned, and to administer to them, and each of them, the proper Oaths, that is to say; To such as profess the Christian Religion, an Oath, in such Manner and Form as the same would have been administered in *England;* and to others, such Oaths, and in such Manner, as the said Court shall esteem to be most binding upon their Consciences; and to proceed to hear, examine, try, and determine the said Indictments and Offences, and to give Judgment thereupon, and to award Execution thereof, and, in all respects, to administer Criminal Justice, in such or the like Manner and Form, or as nearly as the Condition and Circumstances of the Place and the Persons will admit of, as our Courts of Oyer and Terminer and Gaol Delivery do, or may, in that Part of *Great-Britain* called *England*, due attention being had to the Religion, Manners, and Usages of the Native Inhabitants.

Criminal Jurisdiction as to Offences committed by His Majesty's subjects in Territories subject to the Government of *Madras*, or within the Dominions of Native Princes.

And We do further authorize and empower the said Court of the Recorder of *Madras*, in like Manner, to enquire, hear, and determine, and to award Judgment and Execution of, upon and against all Treasons, Murders, Felonies, Forgeries, Perjuries, Crimes, Extortions, Misdemeanors, Trespasses, Wrongs, and Oppressions, had, done, or committed, or which shall hereafter be had, done, or committed, by any of Our Subjects, in any of the Territories subject to, or dependent upon the Government of *Madras*, or within any of the Territories which now are, or hereafter may be subject to, or dependent upon the said Government, or within any of the Dominions of the Native Princes of *India*, in Alliance with the said Government; and, for that Purpose, to award and issue a Writ or Writs, to the said Sheriff, prepared in Manner before-mentioned, commanding him to arrest and seize the Body or Bodies of such Offender or Offenders, and bring him or them to *Fort Saint George* aforesaid, and him or them to keep, until he or they shall be delivered by due Course of Law, and to do all other Acts which shall be necessary, as well for the due Administration of Criminal Justice, as for any other Purpose or Purposes, in as ample Manner and Form as might have been done by the Court of Oyer and Terminer at *Fort Saint George*, as established by the said Charter of Justice, so granted, as aforesaid, by Our said Royal Grandfather, or by Virtue, or under the Authority of any Act or Acts of Parliament, relative thereto, and in such Manner and Form, as nearly as the Circumstances and Condition of the Case will admit of, as our Courts of Oyer and Terminer and Gaol Delivery may do, in that Part of *Great-Britain* called *England.* And We further ordain and establish, That in any Case it shall not be lawful for any Offender to object to the Locality of the Jurisdiction of the Court, or the Grand or Petit Jury, summoned as hereby directed; but he shall be indicted, arraigned, tried, convicted, and punished, or acquitted or demeaned, in all respects, as if the Crime had been committed within *Fort Saint George*, or the Town of *Madras*, or the Limits thereof, or the Factories subordinate thereto.

Exception of the Governor and Council of *Fort St. George*, in certain Cases, from the Criminal Jurisdiction.

Provided always, and We do hereby declare, That the said Court shall not be competent to hear, try, and determine, any Indictment or Information against the Governor, or any of the Council, not being for Treason or Felony, which the Governor, or any of the Council shall or may be charged with having committed, within the Jurisdiction of the same.

The Court of Oyer and Terminer, may reprieve Execution

And whereas Cases may arise, wherein it may be proper to remit the general Severity of the Law, We do hereby authorize and empower the said

of any Capital Sentence, until the King's Pleasure is known.

Court of Oyer and Terminer and Gaol Delivery, to reprieve and suspend the Execution of any Capital Sentence, wherein there shall appear, in the Judgment of the said Court, a proper Occasion for Mercy, until Our Pleasure shall be known; and the said Court shall, in such Case, transmit to Us, under the Seal of the said Court, a State of the Case, and of the Evidence, and of the Reasons for recommending the Criminal to Our Mercy, or for such Reprieve or Suspension, as the Case may be, and, in the mean Time, the said Court shall cause such Offender to be kept in strict Custody, or deliver him or her out to sufficient Bail or Mainprize, as the Circumstances shall seem to require.

The Recorder's Court to exercise Ecclesiastical Jurisdiction,

AND it is Our further Will and Pleasure, and We do hereby, for Us, Our Heirs, and Successors, grant, ordain, establish and appoint, That the said Court of the Recorder of *Madras* shall be a Court of Ecclesiastical Jurisdiction, and shall have full Power and Authority to administer and execute, within and throughout *Fort Saint George*, and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and all the Territories which now are, or hereafter may be subject to, or dependent upon the said Government, and towards and upon Our *British Subjects*, there residing, the Ecclesiastical Law, as the same is now used and exercised in the Diocese of *London*, in *Great-Britain*, so far as the Circumstances and Occasions of the said Fort, Town, Territories, and People, shall admit or require; and to that Purpose, We give and grant to the said Court of the Recorder of *Madras*, full Power and Authority to take Cognizance of, and proceed in all Causes, Suits, and Business, belonging and appertaining to the Ecclesiastical Court, before the said Court of the Recorder of *Madras*, in whatsoever Manner to be moved, as well at the Instance or Promotion of Parties, as of Office, mere or mixed, against any of our *British* Subjects, residing in the said Fort, Town, Territories, or Districts, and which, by the Law and Custom of the said Diocese of *London*, are of Ecclesiastical Cognizance; and the said Causes, Suits, and Business, with their Incidents, Emergents, and Dependents, and whatsoever is thereto annexed, and therewith connected, to hear, dispatch, discuss, determine; and also to grant Probates, under the Seal of the said Court of the said Recorder of *Madras*, of the last Will and Testament of all or any of the said *British* Subjects of Us, Our Heirs, and Successors, dying and leaving personal Effects, within the said Territories or Districts, respectively, and of all Persons who shall die or have Effects within the Places aforesaid, and to commit Letters of Administration, under the Seal of the said Court, of the Goods, Chattels, Credits, and all other Effects, whatsoever, of the Persons aforesaid, who shall die intestate, or who shall not have named an Executor, resident within the said Fort, Town, Territories, or Districts, or where the Executor, being duly cited, according to the Form generally used for that Purpose in the said Diocese of *London*, shall not appear, and sue forth such Probate, annexing the Will to the said Letters of Administration, when such Person shall have left a Will, without naming any Executor, or any Person for Executor, who shall then be alive, and resident within the said Fort, Town, Territories, or Districts, and who being duly cited thereunto, will appear, and sue forth a Probate thereof; and to sequester the Goods and Chattels, Credits, and other Effects, whatsoever, of such Persons, so dying, in cases allowed by Law, as the same is and may now be used in the said Diocese of *London*; and to demand, require, take, hear, examine, and allow, and, if occasion require,

and grant Probates of Wills, and Letters of Administration of Persons dying, or having Effects within its jurisdiction.

to disallow and reject the Account of them, in such Manner and Form as is now used, or may be used, in the said Diocese of *London;* and to do all other Things, whatsoever, needful and necessary in that Behalf. Provided always, and We do hereby authorize and require the said Court of the Recorder of *Madras*, in such Cases as aforesaid, where Letters of Administration shall be committed, with the Will annexed, for want of an Executor appearing in due Time to sue forth the Probate, to reserve in such Letters of Administration full Power and Authority to revoke the same, and to grant Probate of the said Will to such Executor, whenever he shall duly appear and sue forth the same. And We do hereby further authorize and require the said Court of the Recorder of *Madras*, to grant and commit such Letters of Administration, according to the Course now used, or which lawfully may be used, in the said Diocese of *London*, to the lawful next of Kin of such Person, so dying as aforesaid; and in case no such Person shall then be residing within the Jurisdiction of the said Court, or, being duly cited, shall not appear and pray the same, to the principal Creditor of such Person, or such other Creditor as shall be willing or desirous to obtain the same; and for want of any Creditor appearing, then to such other Person or Persons, who shall be thought proper by the said Court of the Recorder of *Madras*.

Administrators are to give Security by Bond, for duly administering Effects, as in the Diocese of *London*.

AND We do hereby further enjoin and require, That every Person, to whom such Letters of Administration shall be committed, shall, before the granting thereof, give sufficient Security, by Bond, to the Register, or Chief Clerk of the said Court of the Recorder of *Madras*, for the Payment of a competent Sum of Money, with Two or more able Sureties, respect being had in the Sum therein to be contained, and in the Ability of the Sureties, to the Value of the Estate, Credits, and Effects of the Deceased, which Bond shall be deposited in the said Court of the Recorder of *Madras*, among the Records thereof, and there safely kept, and a Copy thereof shall be also recorded among the Proceedings of the said Court of the Recorder of *Madras;* and the Condition of the said Bond shall be to the following Effect, "That if the "above-bounden Administrator of the Goods, Chattels, and Effects of the "Deceased, do make, or cause to be made, a true and perfect Inventory of all "and singular the Goods, Credits, and Effects of the said Deceased, which "have or shall come to the Hands, Possession, or Knowledge of him the said "Administrator, or the Hands or Possession of any other Person or Persons "for him, and the same, so made, do exhibit, or cause to be exhibited, into "the Court of the Recorder of *Madras*, at or before a Day therein to be "specified, and the same Goods, Chattels, Credits, and Effects of the said "Deceased, and all other the Goods, Chattels, Credits, and Effects of the "Deceased, at the Time of his Death, or which, at any Time afterwards, shall "come to the Hands or Possession of such Administrator, or to the Hands or "Possession of any other Person or Persons for him, shall well and truly "administer, according to Law; and, further, shall make, or cause to be made, "a true and just Account of his said Administration, at or before a Time "therein to be specified, and all the Rest and Residue of the said Goods, "Chattels, Credits, and Effects, which shall be found remaining upon the said "Administration Account, the same being first examined and allowed of by "the said Court of the Recorder of *Madras*, shall deliver and pay, unto such "Person or Persons respectively, as shall be lawfully entitled to such Residue,

"Then this Obligation to be void and of none effect, or else to remain in full "Force and Virtue." And in case it shall be necessary to put the said Bond in Suit, for the Sake of obtaining the Effect thereof, for the Benefit of such Person or Persons as shall appear to the said Court of the Recorder of *Madras* to be principally interested therein, such Person or Persons, from Time to Time, paying all such Costs as shall arise from the said Suit, or any Part thereof, such Person or Persons, shall, by Order of the said Court, be allowed to sue the same, in the Name of the said Obligee; and the said Bond shall not be sued in any other Manner. And We do hereby authorize and empower the said Court of the Recorder of *Madras*, to order that the said Bond shall be put in Suit, in the Name of the said Register, or Chief Clerk, or his Executors or Administrators, whom We also authorize the said Court of the Recorder of *Madras* to name and appoint for that special Purpose.

In what Cases the Bond may be put in Suit.

The Court may grant Administration of Effects at the Settlement, though left by Persons who died out of the Settlement.

AND WHEREAS many Persons, possessed of or entitled to Money or Effects within the Limits of the Jurisdiction hereby given to the said Court of Judicature at *Madras*, may die in other Parts or Countries, in aid therefore, of the Executors, or next of Kin, and Creditors of the Persons so dying, not within the said Limits, We further, for Us, Our Heirs, and Successors, grant and ordain, That the said Court of Judicature at *Madras* shall and may grant such Probates of Wills, and Letters of Administration, of any Person dying out of the Limits of the said Jurisdiction, and leaving Effects within the said Limits, as the said Court is authorized to grant, in the Case of a Person dying within the said Limits so far as may relate to such Money or Effects as the Person, so dying, was possessed of or entitled to, at the Time of his decease, within the Limits of their said Jurisdiction, and no farther.

The Recorder's Court to be a Court of Admiralty.

AND it is Our further Will and Pleasure, and We do hereby grant, ordain, establish, and appoint, That the said Court of the Recorder of *Madras* shall be a Court of Admiralty, in and for *Fort Saint George*, and the said Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and all the Territories which now are, or hereafter may be subject to, or dependent upon the said Government. And We do hereby commit and grant to the said Court of the Recorder of *Madras*, full Power and Authority to take Cognizance of, hear, examine, try, and determine, all Causes, Civil and Maritime, and all Pleas of Contracts, Debts, Exchanges, Policies of Assurance, Accounts, Charter-parties, Agreements, Loading of Ships, and all Matters and Contracts, which, in any Manner whatsoever, relate to Freight, or Money due for Ships hired, and let out, transport Money, Maritime Usury, Bottomry, or Respondentia, or to Extortions, Trespasses, Injuries, Complaints, Demands, and Matters, Civil and Maritime, whatsoever, between Merchants, Owners, and Proprietors of Ships and Vessels employed or used within the Jurisdiction aforesaid, or between others, contracted, done, had or commenced, in, upon or by the High Seas, or Public Rivers, or Ports, Creeks, Harbours, and Places overflown within the ebbing and flowing of the Sea, and High-Water Mark, within, about, and throughout the Fort, Town, Factories, and Territories aforesaid, and the Cognizance whereof doth belong to the Jurisdiction of the Admiralty, as that same is used and exercised in that Part of *Great-Britain* called *England*, together with and all singular their Incidents, Emergents, and Dependencies, annexed and connexed Causes, whatsoever; and to proceed summarily therein, with all possible Dispatch, according to the Course of our

Admiralty of that Part of *Great-Britain* called *England*, without the strict Formalities of Law, considering only the Truth of the Fact, and the Equity of the Case.

Further Power with regard to Crimes Maritime.

And We do further commit to the said Court of the Recorder of *Madras* full Power and Authority to enquire, hear, try, examine, and determine, by the Oaths of honest and lawful Men, being Our *British* Subjects, and not otherwise, all Treasons, Murders, Piracies, Robberies, Felonies, Maimings, Forestalling, Extortions, Trespasses, Misdemeanors, Offences, Excesses, and Enormities, and Maritime Crimes whatsoever, according to the Laws and Customs of the Admiralty, in that Part of *Great-Britain* called *England*, done, perpetrated, or committed upon the High Seas; and to fine, imprison, correct, punish, chastise, and reform, Parties guilty, and all Violators of the Law, Usurpers, Delinquents, Contumacious Absenters, Masters of Ships, Mariners, Rowers, Fishers, Shipwrights, and other Workmen, exercising any kind of Maritime Affairs, according to the said Civil and Maritime Laws, Ordinances, and Customs, and their respective Demerits; and to deliver and discharge Persons imprisoned, in that Behalf, who ought to be delivered; and to take Recognizances, Obligations, Stipulations, and Cautions, as well to Our Use, as at the Instance of other Parties, and to put the same in Execution, or to cause or command them to be executed; and also to arrest, or cause, or command to be arrested, according to the Civil Law, and the ancient Customs of Our High Court of Admiralty, in that Part of *Great-Britain* called *England*, all Ships Persons, Things, Goods, Wares, and Merchandizes, for the Premises, and every of them, and for other Causes whatsoever, concerning the same, wheresoever they shall be met with or found, in or throughout the said Districts and Jurisdictions, aforesaid; and to compel all Manner of Persons, in that Behalf, as the Case shall require, to appear and answer, in the said Court, with Power of using any temporal Coercion, and inflicting Mulcts and Penalties, according to the Laws and Customs aforesaid; and moreover to compel Witnesses, in case they should withdraw themselves for interest, Fear, Favor, or Ill-will, or other Cause whatsoever, to give Evidence to the Truth, in all and every the Cause or Causes above-mentioned, according to the Exigencies of the Law, and to proceed in such Cause or Causes, according to the Civil and Maritime Laws and Customs, as well at the Instance or Promotion of Parties, as of Office, mere or mixed, as the Case may require, and to promulge and interpose all Manner of Sentences and Decrees, and put the same in Execution, according to the Course and Order of the Admiralty, as the same is now used, in that Part of *Great-Britain* called *England*.

Admiralty Jurisdiction to extend only to persons amenable to ordinary Jurisdiction.

Provided always, That the several Powers and Authorities, herein given to the said Court, to proceed in Maritime Causes, and according to the Laws of the Admiralty, as herein expressed, shall extend, and be construed to extend only to such Persons as, pursuant to the Provisions herein-before contained, are and would be amenable to the said Court of the Recorder of *Madras*, in its ordinary Jurisdiction.

Affidavits and Affirmations, how to be taken.

And We do hereby ordain and appoint, That all Affidavits, taken in the said Court of the Recorder of *Madras*, or before any Judge thereof, shall be made on Oaths, administered in such Form and Manner as is before directed, in the Case of Witnesses to be examined before the same Court. Provided nevertheless, That in all Civil Cases, the Affirmation in Writing of a Quaker,

which the said Court, or any Judge of the said Court, as the Case may require, are hereby authorized and impowered to take, shall be of the same Weight, Authority, and Effect, as an Affidavit upon Oath.

Power for the Court to appoint Commissioners to take Affidavits, &c.

AND We do hereby further will, ordain, and declare, That it shall and may be lawful, to and for the said Court of the Recorder of *Madras*, in any Part of its Jurisdiction, whether Common Law, Equity, Ecclesiastical or Admiralty, by Commission or Commissions, under the Seal of the said Court, to authorize and appoint any fit or proper Person or Persons, either generally, or in any particular Case, or for one or more Turn or Turns only, to receive the Acknowledgements of Recognizances of Bail, and Bail-Pieces, and to administer Oaths for the Justification of Bail, and for the taking of any Affidavit or Affirmation, or for receiving and taking the Answer, Plea, Demurrer, Disclaimer, or Examination of any Party or Parties, to any Suit, or for the Examination of any Witness or Witnesses, upon Interrogatories, either *de bene esse*, or in chief, or any other Occasion, and for the swearing Executors and Administrators, in any Suit, Matter, or Proceeding, which may be pending, or about to be instituted in the said Court, upon such Occasions as the said Court shall think fit to issue such Commissions; And We direct and ordain, That such Commission and Commissions, so to be issued, shall, respectively, be executed, acted under, and returned, if the same shall require any return, in such Manner and Form, as such Matters are usually transacted by Commissions, general or special, issued Out of Our Court of King's Bench, at *Westminster*, or Our High Court of Chancery, or the Ecclesiastical Court of the Diocese of *London*, or Our High Court of Admiralty in *England*, respectively. Provided always, That nothing herein-contained, shall extend to authorize or empower the issuing of any Commission or Commissions, for the Examination of any Witness or Witnesses, upon any Indictment or Information, for any Offence whatsoever, to be tried and determined by and before the said Court.

Suitors' Money and Securities to be deposited with the *Company's* Cash.

AND We do further will and ordain, That all the Monies, Securities, and Effects of the Suitors of the said Court, which shall be ordered into Court, or to be paid, delivered, or deposited for safe Custody, shall be paid or delivered unto, or deposited with the Governor or President and Council at *Fort St. George*, to be by them kept and deposited with the Cash and Effects of the said *Company*, subject to such Orders and Directions as the said Court of the Recorder of *Madras* shall, from Time to Time, think fit to make, concerning the same, for the Benefit of the Suitors, the said *United Company* being responsible for the said Monies, Securities, and Effects, in such Manner, and subject to the same Exceptions, as is mentioned in the said in part-recited Charter of Our said Royal Grandfather, with respect to the Monies, Securities or Effects to be deposited with the said Governor or President and Council, under the Authority of the Mayor's Court thereby erected.

An Accountant-General to be appointed by the *Court of Directors*.

AND We do, for Us, Our Heirs, and Successors, give and grant, unto the Court of Directors of the said *Company*, or the major Part of them, full Power and Authority, from Time to Time, to name and appoint an Officer, under the Name of the *Accountant-General of the Court of the Recorder of Madras*, and the same, at their pleasure, to remove, and another to appoint, who shall act, perform, and do all Matters and Things, necessary to carry into Execution the Orders of the said Court, relating to the Payment or Delivery of the Suitor's

Money, Effects, and Securities, unto the Governor or President and Council of the said *United Company* of *Fort St. George*, and taking the same out again, and keeping the Accounts, with the said Governor and Council, and Register of the said Court of the Recorder of *Madras*, and other Matters relating thereto, under such Rules, Methods, and Directions, as shall, from Time to Time, be made and given, under the Hands of Thirteen or more of the *Court of Directors* of the said *Company;* which Rules, Methods, and Directions, We will and direct, shall be according to such Rules, Methods, and Directions, as are observed by the Accountant-General of Our High Court of Chancery in *Great-Britain*, or as near thereto as may be, and as the Situation and Circumstances of Affairs will permit.

Courts of Requests, and Quarter Sessions, &c. to be subject to this Court.

And to the End that the Court of Requests, and the Court of Quarter Sessions, erected and established at *Madras* aforesaid, and the Justices and other Magistrates appointed for *Fort St. George*, and the Town of *Madras*, and the Factories subordinate thereto, may better answer the Ends of their respective Institutions, and act more conformably to Law and Justice, It is Our further Will and Pleasure, and We do hereby further grant, ordain, and establish, That all and every the said Courts and Magistrates, shall be subject to the Order and Controul of the said Court of the Recorder of *Madras*, in such Sort, Manner and Form, as the inferior Courts and Magistrates of and in that Part of *Great-Britain* called *England*, are, by Law, subject to the Order and Controul of Our Court of King's Bench; to which End, the said Court of the Recorder of *Madras* is hereby empowered and authorized, to award and issue a Writ or Writs of Mandamus, Certiorari, Procedendo, or Error, to be prepared in Manner above-mentioned, and directed to such Courts or Magistrates, as the Case may require, and to punish any Contempt thereof, or wilful Disobedience thereunto, by Fine and Imprisonment.

Appeal to the King in Council.

And it is Our further Will and Pleasure, and We do hereby direct, establish, and ordain, That if any Person or Persons shall find him, her, or themselves aggrieved, by any Judgment or Determination of the said Court of the Recorder of *Madras*, in any Case whatsoever, it shall and may be lawful for him, her, or them, to appeal to Us, Our Heirs, or Successors, in Our or Their Privy Council, in such Manner, and under such Restrictions and Qualifications, as are herein-after mentioned, that is to say; in all Judgments or Determinations, made by the said Court of the Recorder of *Madras*, in any Civil Cause, the Party and Parties, against whom, or to whose immediate Prejudice the said Judgment or Determination shall be or tend, may, by his or their humble Petition, to be preferred, for that Purpose, to the said Court, pray leave to appeal to Us, Our Heirs, or Successors, in Our or Their Privy Council, stating in such Petition, the Cause or Causes of Appeal; And in case such leave to appeal shall be prayed by the Party or Parties, who is or are directed to pay any Sum of Money, or to perform any Duty, the said Court shall, and is hereby empowered to award, that such Judgment or Determination shall be carried into Execution, or that sufficient Security shall be given, for the Performance of the said Judgment or Determination, as shall be most expedient to real and substantial Justice. Provided always, That where the said Court shall think fit to order the Judgment or Determination to be executed, Security shall be taken from the other Party or Parties, for the due Performance of such Judgment or Order, as We, Our Heirs, or Successors, shall think fit to make

Security, on such Appeal, for Costs, and for Performance of Judgment.

thereupon; And in all Cases We will and require, That Security should also be given to the Satisfaction of the said Court, for the Payment of all such Costs, as the said Court of the Recorder of *Madras* may think likely to be incurred by the said Appeal, and also for the Performance of such Judgment or Order, as We, Our Heirs, or Successors, shall think fit to give, or make thereupon; and upon such Order or Orders of the said Court, thereupon made, being performed to their Satisfaction, the said Court shall allow the Appeal, and the Party or Parties so thinking him, her, or themselves aggrieved, shall be at liberty to prefer and prosecute his, her, or their Appeal, to Us, Our Heirs, or Successors, in Our or Their Privy Council, in such Manner and Form, and under such Rules, as are observed in Appeals, made to Us, from Our Plantations or Colonies, or from Our Islands of *Guernsey*, *Jersey*, *Sarke*, or *Alderney*.

Court, on such Appeal, to transmit a Copy of all Evidence and Proceedings.

AND it is Our further Will and Pleasure, and We do hereby direct and ordain, That in all such Cases, the said Court of the Recorder of *Madras* shall certify and transmit, under the Seal of the said Court, to Us, Our Heirs, or Successors, in Our or Their Privy Council, a true and exact Copy of all Evidence, Proceedings, Judgments, Decrees, and Orders, had or made in such Causes appealed, so far as the same have Relation to the Matter of Appeal.

In Criminal Suits, the Court may allow or deny Appeal, and regulate the Terms.

AND it is Our further Will and Pleasure, That in all Indictments, Informations, and Criminal Suits and Causes, whatsoever, the said Court of the Recorder of *Madras* shall have the full and absolute Power and Authority to allow, or deny the Appeal of the Party pretending to be aggrieved; and also to award, order, and regulate the Terms, upon which Appeals shall be allowed, in such Cases in which the said Court may think fit to allow such Appeal.

Reservation of Power to the King to refuse or admit an Appeal.

AND We do hereby also reserve to Ourselves, Our Heirs, and Successors, in Our or Their Privy Council, full Power and Authority, upon the humble Petition of any Person or Persons aggrieved by a Judgment or Determination of the said Court of the Recorder of *Madras*, to refuse or admit his, her, or their Appeal thereupon, upon such Terms, and under such Limitations, Restrictions, and Regulations, as We or They shall think fit; and to reform, correct, or vary such Judgment or Determination, as to Us or Them shall seem Meet.

Court to execute Judgments and Orders of His Majesty.

AND We do further direct and ordain, That the said Court shall, in all such Cases, conform to and execute, or cause to be executed, such Judgments and Orders, as We shall think fit to make in the Premises, in such Manner as any original Judgment, Decree, or Decretal, or other Order or Rule by the said Court of the Recorder of *Madras*, should or might have been executed.

No Appeals to be allowed, except the Petition shall be preferred within Six Months, and unless the Matter shall exceed One Thousand Pagodas.

PROVIDED ALWAYS, That no Appeal shall be allowed by the said Court, unless the Petition, for that Purpose, shall be preferred within Six Months from the Day of pronouncing the Judgment or Determination complained of, and unless the Value of the Matter in dispute shall exceed the Sum of One Thousand Pagodas.

Recorder to be sworn; and Judge from *Calcutta*, and Aldermen to be sworn.

AND it is Our further Will and Pleasure, and We do hereby direct, ordain, and appoint, That the said Recorder, forthwith, after his arrival at *Madras* aforesaid, shall assemble himself, and the Mayor, and all the Aldermen of *Madras*, or so many of them, the said Mayor and Aldermen, as shall then be resident at *Madras*, and shall be able to assemble themselves, in the

Room or Hall where the Mayor's Court shall then be usually holden, or in some other proper Room or Place, to be appointed for that Purpose; and the said Recorder shall then and there, in the Presence of the said Mayor and Aldermen, so assembled, take an Oath, in the most solemn Manner, that he will, to the best of his Knowledge, Skill, and Judgment, duly and justly execute the said Office of Recorder of *Madras*, and impartially administer Justice, in every Cause, Matter, or Thing, which shall come before him; And shall also take the Oath of Allegiance and Supremacy, and make and subscribe the Declaration against Transubstantiation, in such Manner and Form as the same are, by Law, appointed to be taken or made in *Great-Britain;* of which Oaths, a Record shall be forthwith made. And We do hereby authorize the said Mayor, together with the said Aldermen of *Madras*, or any Three of them, the said Mayor and Aldermen, to administer the said Oaths and Declarations, and make such Record thereof, accordingly; after which the said Mayor and Aldermen, or so many of them as shall then and there be present, shall take the like Oaths, and make and subscribe the like Declarations, only changing what ought to be changed for that Purpose, before the said Recorder; of which Oaths, also, a Record shall be forthwith made: And We do hereby authorize the said Recorder, to administer the said Oaths and Declarations, and record the same accordingly. And We do hereby further ordain and establish, That all and every succeeding Recorder, Mayor, and Aldermen shall, before he or they shall be capable of exercising the said Office or Offices, respectively, take in Open Court, the like Oaths, and subscribe the like Declarations, only changing what ought to be changed, for that Purpose, whereof Records shall be made and filed, among the other Records of the Court, from Time to Time. And We do also ordain and establish, That before any Justice of the Supreme Court of Judicature at *Fort William* in *Bengal*, shall take upon himself to act in Court, as Recorder, under the Directions herein-before, for that Purpose, contained, upon Vacancy of the Office of Recorder of *Madras*, aforesaid, by death, such Justice shall take, in Open Court, the like Oaths, and subscribe the like Declarations, changing what ought to be changed, whereof Record shall be made and filed, among the Records of the said Court. And We do also authorize such Justice, acting as Recorder, as aforesaid, to administer the like Oaths and Declarations to the Mayor and Aldermen, for the Time being, as occasion shall require, and to record the same, and otherwise to act, in all Respects, touching the same, as the said Recorder is hereby authorized and required to do; And after the said Recorder, and the said Mayor and Aldermen, or so many of them as shall be assembled, at the Time and Place aforesaid, shall have taken the said Oaths, and have made and subscribed the like Declarations, the said Court of the Recorder of *Madras* shall be proclaimed and published, in due Manner, and proceed, forthwith, to the Execution of the several Authorities, hereby vested in it. And it is Our further Will and Pleasure, and We hereby grant and declare, That, from and immediately after the publishing and proclaiming the said Court of the Recorder of *Madras*, so much of the Charter, granted by His late Majesty, as confers any Civil, Criminal, or Ecclesiastical Jurisdiction, upon the Mayor's Court of *Madras*, or upon the President and Council, as a Court of Appeal from the same, or of Oyer and Terminer and Gaol Delivery, at the said Settlement, or the Subordinates thereto belonging, shall cease and

After publishing of this Charter, other Courts to cease;

determine, and be absolutely void, to all Intents and Purposes; and all Judicial Powers and Authorities, granted by any Act or Acts of Parliament to the said Courts, at the said Settlement, shall cease and determine, and be no longer exercised by the said Courts; but the same shall and may be exercised by the said Court of the Recorder of *Madras*, in the Manner, and to the Extent herein-before directed.

and all Matters depending in them to be transferred to the new Court.

PROVIDED ALWAYS, That no Judgment, or Decree, or Decretal, or other Order, Rule, or Act of the said Mayor's Court, or of the said President and Council, as a Court of Appeal, or of the said Courts of Oyer and Terminer and Gaol Delivery of *Madras*, or either of them, legally pronounced, given, had, or done, before such Publication and Proclamation of the said new Court, hereby established, shall be thereby avoided, but shall remain in as full Force and Virtue, as if these Presents had not been made; nor shall any Indictment, Information, Action, Suit, Cause, or Proceeding, depending in the said Mayor's Court of *Madraspatnam*, or in the said Court of Appeal, or in the said present existing Courts of Oyer and Terminer and Gaol Delivery, be abated, discontinued, or annulled; but the same shall be transferred, in their then present Condition, respectively, to, and subsist and depend in, the said Court, hereby established, to all Intents and Purposes, as if they had been, respectively, commenced, brought, found, presented, or recorded in the said Court, hereby established. And We do hereby authorize and empower the said Court, hereby established, to proceed accordingly, in all such Indictments, Informations, Actions, Suits, Causes, and Proceedings, to Judgment and Execution, and to make such Rules and Orders, respecting the same, and also respecting any Sum or Sums of Money, belonging to the Suitors of the said Mayor's Court, as the said Mayor's Court, or the said Court of Appeal, or the said present Court of Oyer and Terminer and Gaol Delivery, might have made, or as the said Court, hereby established, is hereby empowered to make, in Causes commenced or depending before the said Court, hereby established; for which Purpose, it is Our further Will and Pleasure, That all the Records, Muniments, and Proceedings, whatever, of or belonging to the said Mayor's Court, and to the said Court of Appeal, and to the said present Court of Oyer and Terminer and Gaol Delivery, at *Madraspatnam*, shall be delivered and deposited, and preserved, amongst the Records of the said Court, hereby established.

And all the Records of the present Courts to be preserved by the new Court.

Court to settle proper Terms, &c.

AND We do hereby authorize and empower the said Court of the Recorder of *Madras* (respect being had to the Seasons of the Year, and the Convenience of the Suitors) to settle and appoint proper Terms and Law Days, and Days for Sittings after Term, if necessary, and to change and vary such Appointments, as Occasion shall require; and to proclaim, hold, and adjourn the Sessions of Oyer and Terminer and Gaol Delivery, and Admiralty Sessions, as to them, severally, shall seem most expedient. Provided nevertheless, That the said Court shall, and is hereby required, in each Year, to hold, at the least, Four Sessions of Oyer and Terminer and Gaol Delivery, within and for its Limits; and more, if the same shall be found necessary, for the Convenience of the said Settlement of *Madras*, and the Ends of public Justice.

The Oyer and Terminer to be held Four Times a Year.

Rules to be transmitted to the President of the Board of Control.

PROVIDED ALSO, and it is Our further Will and Pleasure, and We do hereby require and enjoin the said Court, as soon as any Rules shall have been made for the Appointment of Terms, or Law Days, or for the Variation of such

Appointment, by the first convenient Opportunity, after making or varying the same, to transmit a Copy thereof, under the Hands and Seals of the Judges of the said Court, to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Us, Our Heirs, or Successors, for Our and Their Royal Approbation and Correction. And We ordain and direct, That such Appointments shall be kept and observed, until the same shall be altered by Us, Our Heirs, or Successors, and then with such Variation or Alteration, as We, Our Heirs, or Successors, shall cause to be made therein. Provided also, and We do hereby further will and ordain, That after the said Terms and Law Days shall once have been fixed by the said Court of the Recorder of *Madras*, no Variation to be made therein by the said Court, shall take Effect, until such Variation shall have been approved and confirmed by Us, Our Heirs, or Successors.

* * * * *

Where Persons not to be arrested, how Proceedings are to be carried on.

PROVIDED ALWAYS, and We do hereby direct and declare, That in all Cases, in which the Person or Persons of the Governor or President of *Fort St. George*, or any of the Councillors of the said Presidency, or of the Governor or President of *Bombay*, or of any of the Councillors of the said Presidency, or of the Recorder of *Madras*, or of the Recorder of *Bombay*, respectively, or of the Mayor or Aldermen of *Madras* and *Bombay*, respectively, during such Times as they shall, respectively, be intitled to sit and act, respectively, as Judges of the Courts hereby established, in Manner herein-before directed, is and are hereby declared, not to be subject or liable to be arrested or imprisoned, as aforesaid, and wherein a Capias or Process for arresting the Body is hereby given and provided against other Persons, it shall and may be lawful for the said Courts, hereby established, respectively, to order the Goods and Estates of such Persons, so exempted from Arrest and Imprisonment, as aforesaid, to be seized and sequestered, or sold, if need be, until he or they, respectively, shall appear and yield Obedience to the Judgment, Decree, or Decretal, or other Order or Rule of the said Courts, respectively.

How offences committed by Recorders to be tried.

PROVIDED ALWAYS, and We do hereby direct and declare, That all Offences committed by, or charged upon the said Recorders, respectively, shall be heard, tried, and determined, in the same Manner, as if the same were committed by, or charged upon any of the Judges of the Supreme Court of Judicature at *Calcutta*.

General Clause, as to Powers of the new Courts to try all Causes which may now be tried at *Fort St. George* or *Bombay*.

AND it is Our further Will and Pleasure, and We do hereby grant and declare, That the said Court of the Recorder of *Madras*, and the said Court of the Recorder of *Bombay*, respectively, shall have full Power and Authority to hear, try, and determine, all and all Manner of Suits and Actions, either Civil or Criminal, which by the Authority of any Act or Acts of Parliament may now be heard, tried, or determined, by the said Mayor's Court at *Madras*, or by the said Mayor's Court at *Bombay*, respectively, or by the Courts of Oyer and Terminer and Gaol Delivery, at the said Settlements, respectively; and that all Powers, Authorities, and Jurisdictions, of what Kind or Nature soever, which by any Act or Acts of Parliament may be, or are directed to be exercised by the said Mayor's Courts, or the said Courts of Oyer and Terminer and Gaol Delivery at *Madras* and *Bombay*, respectively, shall and may be as fully and effectually exercised by the said Court of the Recorder of *Madras*, and the said

Court of the Recorder of *Bombay*, respectively, as the same might have been exercised and enjoyed by the said Mayor's Court, or Courts of Oyer and Terminer and Gaol Delivery, respectively.

Grant of Fines to the *East-India Company.*

AND furthermore, We, of Our further especial Grace, certain Knowledge, and mere Motion, have given and granted, and by these Presents, for Us, Our Heirs, and Successors, do give and grant, unto the said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, all such Fines, Amerciaments, Forfeitures, Penalties, or Parts of Penalties, and Sums of Money, whatsoever, as have heretofore been ordered, charged, adjudged, set, imposed, or awarded, upon or against any Person or Persons whomsoever, in or by any Court, Justice, or Person, at *Madras* or *Bombay* aforesaid, having lawful Authority to order, charge, adjudge, set, impose, or award the same; and also all such Fines, Amerciaments, Forfeitures, Penalties, or Parts of Penalties, and Sums of Money, which hereafter, during all the Residue of the Term of the Continuance of the said *United Company's* exclusive Trade, shall be ordered, adjudged, set, imposed, or awarded, upon or against any Person or Persons, whatsoever, in or by the said several Courts, hereby established, or by any Court of Oyer and Terminer and Gaol Delivery, or General Court of Quarter Sessions, or by any of the Justices of the Peace, Commissioners of Oyer and Terminer or Gaol Delivery, for the said Presidencies of *Madras* and *Bombay* respectively, or any of them, or by any Person or Persons there having lawful Authority to order, charge, adjudge, set, impose, or award the same, for or by reason of any Offences, Misdemeanors, Defaults, Contempts, Neglects, or Forfeitures, whatsoever, to have, hold, receive, levy, sue for, recover, and enjoy the same, to the said *United Company*, and their Successors, for ever, in as large and ample Manner, to all Intents and Purposes, as We, Our Heirs, or Successors, could or might have had, held, received, levied, sued for, recovered, and enjoyed the same, if these Presents had not been made, without any Account, or any other Matter or Thing, to be rendered or paid for the same, unto Us, Our Heirs, or Successors, subject nevertheless to the several Powers and Authorities, by these our Letters, granted to, or vested in the said Courts, hereby established, to discharge, mitigate, or set over, any of such Fines, Amerciaments, Forfeitures, Penalties, or Sums of Money, respectively, according to the true Intent and Meaning hereof.

Power for the Courts to make Satisfaction to Prosecutors, out of Fines.

PROVIDED ALWAYS nevertheless, That it shall be lawful, and We hereby authorize and empower the said Court of the Recorder of *Madras*, and the said Court of the Recorder of *Bombay*, respectively, to make such Satisfaction to Prosecutors of Informations or Indictments, as to the said Court shall seem reasonable and fit, out of any Fine or Fines to be set or imposed upon any Person or Persons, who shall be convicted, upon such Proceedings, respectively, and to order and direct such Satisfaction to be paid, accordingly, as hereinafter directed.

Power given to the East-India Company to recover the Fines.

AND We do hereby, for Us, Our Heirs, and Successors, give and grant, unto the said *Company*, full Power and Authority to sue for, recover, and levy, all and every the said Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, by any Action or Actions of Debt, to be brought in either of the said Courts, hereby established, or by such other Suits, Actions, Ways, Means, and Proceedings, as may be lawfully had and prosecuted in the said Courts, in their Corporate Name, or by any other lawful Ways or Means, either in the

Name of Us, or Our Heirs, or Successors, or of the said *United Company of Merchants of England, Trading to the East-Indies*, or their Successors; and to collect, take, seize, and levy, the said Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, in and by these Presents granted, or mentioned to be granted, from Time to Time, by the proper Officers and Ministers of the said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, to the only proper Use and Behoof of them and their Successors, without any Writ, Warrant, or other Process of the Exchequer of Us, Our Heirs, and Successors, or any other Court or Courts whatsoever and wheresoever, to be had and obtained in that Behalf, any Usage or Custom, to the contrary thereof, in any wise notwithstanding; subject, nevertheless, to such orders, as the said Courts, hereby established, shall, respectively, make in Favour of Prosecutors, as herein-before directed.

CHIEF SECRETARY'S DEPARTMENT. LIBRARY.

Fines to be paid over to the Company.

AND We do hereby, for Us, Our Heirs, and Successors, direct, authorize, and command the Recorder of the said respective Courts, hereby established at *Madras* and *Bombay*, and all Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, now and for the Time being, all Sheriffs, and other Our Officers and Ministers, and others therein concerned, respectively, by Virtue of these Our Letters Patent, to cause to be paid over to the said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, from Time to Time, all such Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, as shall be set or imposed upon, or be forfeited or accrued due, by or from any Person or Persons, as aforesaid; and the same shall be paid or satisfied by such Person or Persons accordingly, or otherwise shall and may be recovered and levied, by any of the Ways and Means before-mentioned, subject, nevertheless, to such Orders as shall be made for the Satisfaction of Prosecutors, as herein-before directed. And We do, by these Presents, for Us, Our Heirs, and Successors, declare and grant, That such Payments, so to be made, shall be as full and sufficient a Discharge, to all Intents and Purposes, to the said Recorders of *Madras* and *Bombay*, respectively, Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, and the said respective Officers and Ministers, and all and every other Person and Persons, as if such Payments had been made to Us, Our Heirs, and Successors, at the Receipt of Our or their Exchequer.

Provision for recovery of Fines.

AND, to the Intent that the Ends of Justice may not be frustrated or delayed, by the Want of a due Remedy to enforce the Payment of the said Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, We hereby will and direct, That the Commissioners of the said Courts of Oyer and Terminer and Gaol Delivery, and the Justices of the Peace, in their Courts of Quarter Sessions, shall, by themselves, or by the proper Officers of the said Courts, in every Term next after the holding of the said Courts, respectively, deliver into the said respective Courts hereby established, upon Oath, an Estreat Roll of all Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, which shall have been set, imposed, lost, or forfeited, by any Person or Persons, whatsoever, at or by, or before the said Courts, or any of them, or by or before any of the said Commissioners or Justices of the Peace, during the Time of the holding any of the said Courts of Oyer and Terminer and Gaol Delivery, or Quarter Sessions, at any Period, subsequent to the Time when the next preceding Courts, aforesaid, were last holden, respectively;

and that it shall and may be lawfull for the said Courts, hereby established, to award and issue such Process against the Persons liable to the Payment thereof, in order to the Recovery of the same, in Aid and for the Use of the said *Company*, or otherwise, according to the Circumstances of the Case, to discharge or mitigate the same, as Our Court of Exchequer in *England*, or the Chancellor and Barons thereof, may or can lawfully do, upon Estreats of the Green-Wax, in *England*; with Power, also, to the said Courts, hereby established, by any Rule or Order, to Cause a Share or Proportion of any Fine, imposed on any Person or Persons for any Delinquency or Misdemeanor, prosecuted to Judgment, to be paid over to the Prosecutor, towards defraying his Expences occasioned thereby, as such Court, shall, in its Discretion, think fit or expedient.

All the King's Subjects to be aiding and assisting.

AND We do further, hereby, strictly charge and command, all Governors and Commanders, Magistrates and Ministers, Civil and Military, and all other Our faithful and liege Subject, whatsoever, in and throughout the *British* Territories and Possessions in the *East-Indies*, and the Countries, Territories, Districts, and Places which now are, or shall be hereafter dependent thereon, or subject or subordinate to the *British* Government there, That, in the Execution of the several Powers, Jurisdictions, and Authorities, hereby granted, made, given, or created, they be aiding, assisting, and obedient, in all Things, as they will answer the contrary at their Peril.

In Witness, &c.

IN WITNESS whereof, we have caused these, Our Letters, to be made Patent. Witness Ourself, at *Westminster*, this Twentieth Day of *February*, in the Thirty-eighth Year of our Reign.

By the King Himself.

WILMOT.

LETTERS PATENT ESTABLISHING A SUPREME COURT OF JUDICATURE AT FORT ST. GEORGE,

Bearing Date the Twenty-sixth Day of *December*, in the Forty-first Year of the Reign of *GEORGE* III., *Anno Domini*, One Thousand Eight Hundred.

Recital of Charter, 8th January, 1753, erecting the Mayor's Court at *Madras*.

GEORGE the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, and so forth, To all to whom these Presents shall come, Greeting: Whereas Our Royal Grandfather, King *George* the Second, of glorious Memory, by His Letters Patent, under the Great Seal of *Great-Britain*, bearing Date at *Westminster* the Eighth of *January*, in the Twenty-sixth Year of His Reign, did, for himself, His Heirs, and Successors, amongst other Things, give and grant unto the *United Company of Merchants of England, Trading to the East-Indies*, and their Successors; and did ordain, direct, establish, and appoint, that there should be thereafter, within the Town or Factory of *Madraspatnam*, on the *Coast of Coromandel*, in the *East-Indies*, one Body Politick and Corporate, by the Name of the *Mayor and Aldermen of Madraspatnam*; and that such Body Politick and Corporate should consist of a Mayor and Nine Aldermen, to be respectively elected and appointed, in Manner therein mentioned; and that the said Body corporate, by the Name aforesaid, should have perpetual Succession. And Our said Royal Grandfather did further grant, ordain, direct, and appoint, that the Mayor and Aldermen, for the Time being, of *Madraspatnam* aforesaid, should, for ever thereafter be, and they were thereby constituted a Court of Record, by the name of the *Mayor's Court of Madraspatnam*, with such Powers, Jurisdictions, and Authorities, as in the said Letters Patent are mentioned. And by the same Charter it is Ordained, That any Person or Persons, thinking himself or themselves aggrieved, by any Judgment, Sentence, or Decree of the said Mayor's Court, might appeal to the Governor or President and Council of *Fort St. George*, for the Time being, who, or any Three, or more of them, were thereby, in the Manner therein mentioned, appointed to be, for ever thereafter, a Court of Record for that Purpose, to receive such Appeals, and to hear and determine the same, and to do all other Acts, Matters, and Things, necessarily incident thereto, subject to such Provisions, Regulations, and Restrictions, as in the same Charter are contained. And by the said Charter, the Governor or President and Council, of *Fort St. George*, for the Time being, are appointed Justices of the Peace, and are, in the Manner therein mentioned, authorized and appointed to hold Quarter Sessions of the Peace, and at all Times thereafter to be a Court of Record, in the Nature of a Court of Oyer and Terminer and Gaol Delivery; and from Time to Time, and at all Times thereafter, to be Commissioners of Oyer and Terminer and Gaol Delivery, for the trying and punishing of such Offenders and Offences, and in such Manner, as in the said Charter are and is mentioned. And by the same Charter or Letters Patent, Our said late Royal Grandfather did establish another Body Politick and Corporate, by the Name of the *Mayor and Aldermen*

of Calcutta, at *Fort William* in *Bengal*, and did direct and appoint, that the said Mayor and Aldermen of *Calcutta*, should be a Court of Record, with such civil and criminal Jurisdiction, within the Town and Factory of *Calcutta*, at *Fort William*, in *Bengal*, or within any of the Factories subject or subordinate thereto, as in the said Charter is mentioned.

Recital of the Act, 37th Geo. III, Cap. 142.

AND whereas, by an Act of Parliament passed in the Thirty-seventh Year of Our Reign, entitled "An Act for the better Administration of Justice at *Calcutta*, *Madras*, and *Bombay*, and for preventing *British* Subjects from being concerned in Loans to the native Princes in India;" reciting, among other Things, That the said Charter did not sufficiently provide for the due Administration of Justice, in such Manner as the State and Condition of the Company's Settlements at *Madraspatnam* required, it is amongst other Things, enacted, That it should be lawful for Us, by Charter, or Letters Patent, under the Great Seal of *Great-Britain*, to erect and establish a Court of Judicature at *Madras*, to consist of the Mayor and Three of the Aldermen, resident at the said Settlement of *Madras*, for the Time being; which Aldermen were, from Time to Time, to be selected, in such Manner as should be directed and prescribed by Us in the said Charter, together with One other Person, to be named, from Time to Time, by Us, Our Heirs, and Successors, which Person was to be a Barrister of *England* or *Ireland* of not less than Five Years standing, and which Person, so appointed, was to be the President of the said Court, and was to be styled the *Recorder of Madras;* and that the said Court should have full Power and Authority to exercise and perform all Civil, Criminal, Ecclesiastical, and Admiralty Jurisdiction, and to appoint such Ministerial Officers as might be necessary, and to form and establish such Rules of Practice, and such Rules for the Process of the said Court, and to do all such other Things, as should be necessary for the Administration of Justice, and the due Execution of all or any of the Powers which might, by the said Charter, be committed to the said Court; and that the same should also be, at all Times, a Court of Oyer and Terminer and Gaol Delivery, in and for *Fort St. George* and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto. And by the said Act, divers Provisions were made, touching the extent of the said Charter, and the Jurisdiction, Powers, and Authorities to be thereby established. And it is further (among other Things) by the said Act enacted, That so much of the said Charter, granted by Our said Royal Grandfather, as conferred any Civil, Criminal, or Ecclesiastical Jurisdiction, upon the Mayor's Court of *Madras*, or upon the President and Council, as a Court of Appeal from the said Court, or of Oyer and Terminer and Gaol Delivery of the said Settlement, or the Subordinates thereto belonging, in Case a new Charter should be granted by Us, in Pursuance of the said Act, and should be openly published at *Madras*, from and immediately after such Publication should cease and determine, and be absolutely void, to all Intents and Purposes, and all Judicial Powers and Authorities, granted by any Act or Acts of Parliament to the said Mayor's Court, or Court of Appeal at the said Settlement, should cease and determine, and be no longer exercised by the said Courts; but that the same should and might be exercised by the Court of Judicature, to be erected by Virtue of the said Act, in the Manner and to the Extent in the said Act before directed: But, nevertheless, the said Charter should, in all other Respects, continue in full Force and Effect, to all Intents and Purposes, according to the true Intent

and Meaning thereof (except in so far as it is altered or varied by the said Act) as fully and effectually, as if the said Act had not been made, or such new Charter had not been granted.

Recital of the Erection of the Recorder's Court at *Madras*.

AND whereas, by Our Letters Patent, under the Great Seal of *Great-Britain*, bearing date at *Westminster*, the Twentieth Day of *February*, in the Thirty-eighth Year of Our Reign, passed in Pursuance of the said recited Act of Parliament, We did, for Us, Our Heirs, and Successors, grant, direct, ordain and appoint, That there should be, within the Settlement of *Madras*, a Court of Record, which should be called the *Court of the Recorder of Madras:* and We did thereby create, direct, and constitute the said Court of the Recorder of *Madras* to be a Court of Record, with such Civil, Criminal, and Ecclesiastical Jurisdiction, and with such Powers and Authorities, to be exercised in such Manner, as in the said Letters Patent is mentioned and directed. And whereas, the said Letters Patent have been openly published at *Madras*, and acted upon.

Recital of the Act of 40th Geo. III, Cap. 79.

AND whereas, by an Act of Parliament, passed in the Fortieth Year of Our Reign, entitled "An Act for establishing further Regulations for the Government of the *British* Territories in *India*, and the better Administration of Justice within the same," reciting, among other Things, the Letters Patent granted by Our said late Royal Grandfather, bearing date the Eighth Day of *January*, in the Twenty-first Year of His Reign, and first herein-before recited; and reciting, That the said Charter, so far as respected the Administration of Justice at *Madras*, had been altered and changed, by Virtue of the said recited Act, passed in the Thirty-seventh Year of Our Reign; and that the said Charter, so far as it respected the Administration of Justice at *Fort William* in *Bengal*, had also been altered and changed, by Virtue of an Act passed in the Thirteenth Year of Our Reign, entitled, "An Act for establishing certain Regulations, for the better Management of the Affairs of the *East-India Company*, as well in *India* as in *Europe*," and by divers subsequent Statutes; and reciting, That it might be expedient, for the better Administration of Justice in the said Settlement of *Madras*, that a Supreme Court of Judicature should be established at *Madras*, in the same Form, and with the same Powers and Authorities, as that now subsisting, by Virtue of the several Acts before-mentioned, at *Fort William*, in *Bengal;* It is enacted, That it should and might be lawful for Us, Our Heirs, and Successors, by Charter, or Letters Patent, under the Great Seal of *Great-Britain*, to erect and establish a Supreme Court of Judicature at *Madras* aforesaid, to consist of such and the like Number of Persons, to be named, from Time to Time, by Us, Our Heirs, and Successors, with full Power to exercise such Civil, Criminal, Admiralty, and Ecclesiastical Jurisdictions, both as to *Natives* and *British* Subjects, and to be invested with such Power and Authorities, Privileges, and Immunities, for the better Administration of the same, and subject to the same Limitations, Restrictions, and Controul, within the said *Fort St. George*, and Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and within the Territories which then were, or thereafter might be, subject to, or dependent upon the said Government of *Madras*, as the said Supreme Court of Judicature at *Fort William* in *Bengal*, by Virtue of any Law then in Force and unrepealed, or by the Act now in recital, doth consist of, is invested with, or subject to, within the said *Fort William*, or the Kingdoms and Provinces of *Bengal*, *Bahar*, and

Orissa. And it is, by the Act now in recital, provided, That the Governor and Council of *Madras*, and the Governor-General of *Fort William* aforesaid, should enjoy the same Exemption, and no other, from the Authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor-General and Council at *Fort William* aforesaid, from the Jurisdiction of the Supreme Court of Judicature there, already by Law established. And it is, by the same Act, further enacted, That if We, Our Heirs, or Successors, should grant such Charter as aforesaid, and erect such Supreme Court of Judicature at *Madras* as aforesaid, all the Records, Muniments, and Proceedings whatsoever, of and belonging to the late Mayor's Court at *Madras*, or to the late Court of Oyer and Terminer and Gaol Delivery, which were, by the said Act passed in the Thirty-seventh Year of Our Reign, directed to be delivered over, preserved, and deposited in the new Courts, erected by Virtue of the said Act, and all the Records, Muniments, and Proceedings, whatsoever, of and belonging to any of the said new Courts, should, from and immediately after such Supreme Court of Judicature, as We are thereby empowered to erect, should be established at *Madras*, be delivered over to be preserved and deposited, for safe Custody, in the said Court of Judicature, to which all Parties concerned should and might have Resort and Recourse, upon Application to the said Court. And it is, by the same Act, further enacted, That so much of the said Charter, granted by Us for erecting the Court of the Recorder of *Madras*, as relates to the Appointment of such Recorder, and the erecting of such Courts of Judicature at *Madras*, in case a new Charter should be granted by Us, Our Heirs, or Successors, and should be openly published at *Madras*, from and immediately after such Publication, should cease and determine, and be absolutely void, to all Intents and Purposes whatsoever; and all Powers and Authorities, granted by the said Act of the Thirty-seventh Year of Our Reign to the said Court of the Recorder of *Madras*, should cease and determine, and be no longer exercised by the said Court: but the same should and might be exercised by the Supreme Court of Judicature, to be erected by Virtue of the Act now in recital, in the Manner, and to the Extent therein-before directed. And that, when the said Supreme Court of Judicature, which We are by the said Act now in recital empowered to erect, should be erected, the *Court of Directors* of the said *United Company* should, and they are thereby required to direct and cause to be paid, certain and established Salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at *Madras*, as should be by the said new Charter established, that is to say: To the Chief Justice, Six Thousand Pounds by the Year, and to each of the Judges of the said Supreme Court of Judicature at *Madras*, Five Thousand Pounds by the Year: And that such Salaries should be paid and payable to each and every of them, respectively, out of the territorial Revenues of the said Settlement of *Madras*, at an Exchange of Eight Shillings for the Pagoda of that Settlement, and should commence and take Place, in respect of such Person or Persons who should be resident in *Great-Britain*, at the Time of their Appointment, upon and from the Day on which such Person should embark from *Great-Britain;* and that the Salaries of all such Persons who should, at the Time of their Appointment, be resident in *India*, should commence and take Place from and after their respectively taking upon them the Execution of their Office, as aforesaid; and that all such

Salaries should be in Lieu of all Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever; and that no Fees of Office, Perquisites, Emoluments, or Advantages, whatsoever should be received or taken, in any Manner, or on any Account or Pretence whatsoever, other than such Salaries and Allowances as are in and by the Act now in recital directed to be paid, as by the said Act may more plainly and at large appear.

Establishment of a Court of Record, to be called the Supreme Court of Judicature at Madras.

Now know ye, That We, upon full Consideration of the Premises, and of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to grant, direct, ordain, and appoint, and by these Presents We do accordingly, for Us, Our Heirs, and Successors, grant, direct, ordain, and appoint, That there shall be, within the Settlement of *Fort St. George*, a Court of Record, which shall be called the *Supreme Court of Judicature at Madras*, and We do hereby create, direct, and constitute the said Supreme Court of Judicature at *Madras* to be a Court of Record.

To consist of a Chief Justice, and Two Puisne Justices.

And We do further will, ordain, and appoint, That the said Supreme Court of Judicature at *Madras* shall consist of, and be holden by and before, one principal Judge, who shall be and be called the *Chief Justice of the Supreme Court of Judicature at Madras*, and two other Judges, who shall be and be called the *Puisne Justices of the Supreme Court of Judicature at Madras*; which Chief Justice and Puisne Justices shall be Barristers, in *England* or *Ireland*, of not less than Five Years standing, to be named and appointed, from Time to Time, by Us, Our Heirs, and Successors, by Letters Patent, under Our and Their Great Seal of *Great-Britain*, whilst such Seal shall be used, and afterwards under Our and Their Great Seal of the United Kingdom of *Great-Britain* and *Ireland*; And such Chief Justice and Puisne Justices, and all and every of them, shall hold their said Offices, severally and respectively, during the Pleasure of Us, Our Heirs, and Successors, and not otherwise.

Their Qualification and Mode of Appointment.

Their Rank.

And We do hereby give and grant to Our said Chief Justice, Rank and Precedence above and before all Our Subjects whomsoever, within the Territories subject to the Government of *Fort St. George* aforesaid; excepting the Governor-General, for the Time being, of the Presidency of *Fort William* in *Bengal*, and the Governor of *Fort St. George*, for the Time being; and excepting all such Persons as, by Law and Usage, take Place in *England* before Our Chief Justice of Our Court of *King's Bench*. And We do hereby also give and grant to each of Our said Puisne Justices, respectively, according to their respective Priority of Nomination, Rank and Precedence above and before all Our Subjects whomsoever, within the Territories subject to the Government of *Fort St. George*; excepting the said Governor-General, for the Time being, of the Presidency of *Fort William* in *Bengal*, and the Governor of *Fort St. George*, for the Time being; and excepting Our said Chief Justice of Our said Supreme Court of Judicature at *Madras*, and all and every the Member and Members of the Council there; and also excepting all such Persons as, by Law and Usage, take Place in *England* before Our Justices of the Court of *King's Bench*.

The Court invested with a Jurisdiction similar to the Jurisdiction of the *King's Bench* in *England*.

And it is Our further Will and Pleasure, That the said Chief Justice, and the said Puisne Justices, shall, severally and respectively, be, and they are all and every of them hereby appointed to be, Justices and Conservators of the Peace, and Coroners, within and throughout the Settlement of *Fort St. George*, and the Town of *Madras*, and the Limits thereof, and the Factories subordinate

thereto, and all the Territories which now are, or hereafter may be, subject to, or dependent upon, the Government of *Madras* aforesaid; and to have such Jurisdiction and Authority as Our Justices of Our Court of *King's Bench* have, and may lawfully exercise, within that Part of *Great-Britain* called *England*, as far as Circumstances will admit.

All Acts of the Court to be done by the Majority of the Judges present, with a Casting Voice to the Chief Justice.

AND We do further will and ordain, That all Judgments, Rules, Orders, and Acts of Authority or Power, whatsoever, to be made or done by the said Supreme Court of Judicature at *Madras*, shall be made or done with and by the Concurrence of the said Three Judges, or so many or such One of them as shall be, on such Occasions, respectively, assembled or sitting as a Court, or of the major Part of them so assembled and sitting. Provided always, That in Case there shall be only Two of such Justices present, and they shall be divided in their Opinions, the Chief Justice, if present, shall have a Double or Casting Voice; and if the Chief Justice shall be absent, the Matter shall abide the future Judgment of the Court.

The Court to have a Seal, bearing His Majesty's Arms, which is to be kept by the Chief Justice, or by the senior Puisne Judge.

AND We do further grant, ordain, and appoint, That the said Supreme Court of Judicature at *Madras* shall have and use, as Occasion may require, a Seal, bearing a Device and Impression of Our Royal Arms, within an Exergue, or Label, surrounding the same, with this Inscription, "*The Seal of the Supreme Court at Madras.*" And We do hereby grant, ordain, and appoint, That the said Seal shall be delivered to, and kept in the Custody, of, the said Chief Justice; and in Case of Vacancy of the Office of Chief Justice, the same shall be delivered over to, and kept in the Custody of, such Person who shall then be senior Puisne Judge, during such Vacancy. And We do hereby grant, ordain, and appoint, That if it shall happen that the said Seal shall, by any Means, come to the Hands of any Person or Persons, other than the Chief Justice, or such Person as, for the Time being, is hereby authorized to have the Custody thereof, the said Supreme Court of Judicature at *Madras* shall be, and is hereby authorized and empowered to demand, seize, and take the said Seal, from any Person or Persons whomsoever, by what Ways and Means soever the same may have come to his, her, or their Possession, other than the Person, for the Time being, hereby authorized and required to have the Custody thereof; and shall forthwith deliver such Seal to the said Chief Justice, or to such other Person as shall be, for the Time being, authorized by these Presents to have the Custody of such Seal, as aforesaid.

All Writs are to be issued, under the Seal, in the Name of the King.

AND We do hereby further grant, ordain, and appoint, That all Writs, Summonses, Precepts, Rules, Orders, and other mandatory Process, to be used, issued, or awarded by the said Supreme Court of Judicature at *Madras*, shall run and be in the Name and Stile of Us, or of Our Heirs and Successors, and shall be sealed with the Seal of the said Supreme Court of Judicature at *Madras*, and shall have and bear the Attestation of the Chief Justice, or in the Vacancy of the said Office, of the senior of the two Puisne Justices, and shall be signed by the proper Officer, whose Duty it shall be to prepare and make out the same respectively.

Salaries to the Chief Justice, and other Justices, in Lieu of Perquisites.

AND We do further grant, ordain, appoint, and declare, That the said Chief Justice, and the said Puisne Justices, so long as they shall hold their Offices, respectively, shall be entitled to have and receive, respectively, the Salaries in and by the said recited Act of Parliament provided for that Purpose; that is to say; the Chief Justice, Six Thousand Pounds by the Year,

and the two Puisne Judges, Five Thousand Pounds by the Year, each of them, such Salaries to commence and be paid and payable at such Time and at such Exchange, and in such Manner and Form, as in the said Act of the Fortieth Year of Our Reign is specified and directed.

The Judges prohibited from engaging in any other Office or Employment, on Pain of Forfeiture.

AND We do hereby ordain, appoint, and declare, That the said Salaries shall be in Lieu of all Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever; and that no Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever, other than and except the said Salaries, shall be accepted, received, or taken by such Chief Justice, or the Puisne Justices, in any Manner, or on any Account or Pretence whatsoever. And We do further grant, appoint, and declare, That no Chief Justice, or other Justice of the said Supreme Court of Judicature at *Madras*, during the Time of holding and exercising the said Offices, respectively, shall be capable of accepting, taking, or performing, any other Office, Place, or Employment, of any Denomination whatsoever, on pain that the Acceptance of any such other Office, Place, or Employment, shall be and be deemed, in Law, *de facto*, an Avoidance of his Office of Chief Justice, or one of the Puisne Justices, of the said Supreme Court of Judicature, as the Case may be; and the Salary thereof shall cease, and be deemed to have ceased accordingly, from the Time of such Acceptance of any other Office, Place, or Employment. Nevertheless, in Case of one of the Justices of the said Supreme Court of Judicature at *Madras* acting as Recorder of *Bombay*, during a Vacancy of such Office of Recorder of *Bombay*, in pursuance of the Provision in the said recited Act of the Fortieth Year of Our Reign for that purpose contained, or in Case all or any of the Justices of the said Supreme Court shall be nominated or appointed by Us, Our Heirs, or Successors, Commissioners for the Trial and Adjudication of Prize Causes, and other Maritime Questions, arising in *India*, We ordain and declare, That his or their Appointment, as such Justice or Justices of such Supreme Court of Judicature at *Madras*, shall not be vacated, nor shall his or their Right to his or their Salary, as such Justice or Justices of the said Supreme Court, be affected, by Reason of his exercising the Office of Recorder of *Bombay*, or by Reason of his or their acting under any such Commission as aforesaid, nor shall he or they thereby be disabled from accepting the Office of Chief Justice of the said Supreme Court of Judicature at *Madras*.

Appointment of first Chief Justice and Puisne Justices.

AND We do hereby constitute and appoint Our trusty and well-beloved Sir *Thomas Andrew Strange*, Knight, to be the first Chief Justice, and Our trusty and well-beloved *Henry Gwillim* and *Benjamin Sullivan*, Esquires, to be the first Puisne Justices of Our said Supreme Court of Judicature at *Madras*, the said Sir *Thomas Andrew Strange* and *Henry Gwillim*, being Barristers in *England*, of Five Years standing and upwards, and the said *Benjamin Sullivan*, being a Barrister in *Ireland*, of Five Years standing and upwards.

Provision as to Sheriff.

AND We do further, for Us, Our Heirs, and Successors, grant, ordain, and appoint, That the Person who shall be the Sheriff at *Fort St. George* or *Madraspatnam*, at the Time of the Publication of this Our Charter at the Presidency of *Fort St. George*, shall be and continue the Sheriff, until another shall be duly appointed and sworn into the said Office. And We do further, for Us, Our Heirs, and Successors, grant, direct, and appoint, That the Governor or President and Council of *Fort St. George* aforesaid, for the Time being, or the major Part of them (whereof the said Governor or President, or in his Absence, the

Senior of the Council then residing at *Fort St. George* aforesaid to be One) shall yearly, on the First Tuesday in *December*, or as soon after as may be, assemble themselves, and proceed to the Appointment of a new Sheriff for the Year ensuing, to be computed from the Twentieth Day of *December*; next after such Appointment; which Sheriff, when appointed, shall, as soon as conveniently may be, and before he shall enter upon his said Office, take an Oath, faithfully to execute his Office, and the Oath of Allegiance, before the Governor, or in his Absence, the Senior Member of the Council there present (who are hereby respectively authorized to administer the same) and shall continue in such Office during the Space of One whole Year, to be computed from the said Twentieth Day of *December*, and until another shall be duly appointed and sworn into the said Office. And in Case such Sheriff shall die in his Office, or depart from the *Coast of Coromandel*, then another Person shall and may, as soon as conveniently may be after the Death or Departure of such Sheriff, be, in like Manner appointed and sworn in, as aforesaid, and shall continue in his Office for the Remainder of the Year, and until another Sheriff shall be duly appointed and sworn into the said Office. And We do further order, direct, and appoint, That the said Sheriff and his Successors shall, by themselves or their sufficient Deputies, to be by them appointed and duly authorized under their respective Hands and Seals, and for whom he and they shall be responsible during his or their Continuance in such Office, execute, and the said Sheriff and his said Deputies are hereby authorized to execute, all the Writs, Summonses, Rules, Orders, Warrants, Commands, and Process of the said Supreme Court of Judicature at *Madras*, and make return of the same, together with the Manner of the Execution thereof, to the said Supreme Court of Judicature at *Madras*, and to receive and detain in Prison all such Persons as shall be committed to the Custody of such Sheriff, by the said Supreme Court of Judicature at *Madras*, or by the Chief Justice, or any of the said Puisne Justices of the said Court, respectively.

The Sheriff's Duty defined.

And the Court is empowered to cause Writs, &c. to be directed to any other Person for Execution, where the Sheriff is interested.

AND We do further direct, ordain, and appoint, That whenever the said Supreme Court of Judicature at *Madras* shall direct or award any Process against the said Sheriff, or award any Process in any Cause, Matter, or Thing, wherein the said Sheriff, on Account of his being related to the Parties, or any of them, or by Reason of any good Cause of Challenge, which would be allowed against any Sheriff in that Part of *Great-Britain* called *England*, cannot or ought not by Law, to execute the same, in every such Case the said Supreme Court of Judicature at *Madras* shall name and appoint some other fit Person to execute and return the same; and the said Process shall be directed to the said Person so to be named for that Purpose, and the Cause of such special Proceedings shall be suggested and entered on the Records of the said Court.

Court to fix Limits, beyond which the Sheriff is not bound to execute Process, and Provision for the execution of Process beyond such Limits.

PROVIDED always, and We hereby ordain and declare, That the said Supreme Court of Judicature at *Madras* shall fix certain Limits, beyond which the said Sheriff shall not be compelled or compellable to go in Person, or by his Officers or Deputies, for the Execution of any Process of the said Court: And upon Occasions where the Process of the said Court shall be to be executed in any Place or Places beyond the said Limits so to be fixed, We grant, ordain, and direct, That the Chief Justice, or one of the said Puisne Justices, shall, by Order, subject to the Revision and Controul of the said

Court, or the said Court shall, upon Motion, direct, by what Person or Persons, and in what Manner, such Process shall be executed, and the Terms and Conditions which the Party issuing the same shall enter into, in order to prevent any improper Use or Abuse of the Process of the Court. And the said Sheriff shall, and he is hereby required to grant his special Warrant or Deputation to such Person or Persons, as the said Chief Justice, or one of the Puisne Justices, or the said Court, may direct, for the Execution of such Process. And in that Case We direct and declare, That the said Sheriff, his Executors or Administrators, shall not be responsible or liable for any Act to be done, in or in any Ways respecting the Execution of such Process, under and by Virtue of such special Warrant: And any Person or Persons, being aggrieved under or by Pretence of such special Warrant, shall and may seek their Remedy, under any Security which may have been directed to be taken upon the Occasion, and which the said Court, or the said Chief Justice, or Puisne Justices, are hereby authorized to direct to be taken.

Court to admit Advocates and Attorneys.

AND We do hereby further authorize and empower the said Supreme Court of Judicature at *Madras* to approve, admit and enroll, such and so many Persons, being *bonâ fide* Practitioners of the Law in the said Court of the Recorder at *Madras*, at the Time of the Publication of this Our Charter at *Madras*, or having been admitted Barristers at Law in *England* or *Ireland*, or having been admitted Attorneys or Solicitors in one of Our Courts at *Westminster*, or being otherwise capable, according to such Rules and Qualifications as the said Court shall for that Purpose make and declare, to act, as well in the Character of Advocates as of Attornies in the said Court; and which Persons, so approved, admitted, and enrolled, as aforesaid, shall be, and are hereby authorized to appear and plead, and act for the Suitors of the said Court; subject always to be removed by the said Court from their Station therein, upon reasonable Cause. And We do declare, that no other Person or Persons whatsoever shall be allowed to appear and plead, or act in the said Supreme Court of Judicature at *Madras*, for and on the Behalf of such Suitors, or any of them. Provided always, and We do hereby further ordain and declare, That no Person, from and after the Date of these Our Letters Patent, other than the said Persons, being *bonâ fide* Practitioners of the Law in the said Court of the Recorder of *Madras*, at the Time of the Publication of this Our Charter, shall be capable of being admitted or inrolled, or of practising in the said Court, without the Licence of the said *United Company* for that Purpose first had and obtained.

Appointment of Clerks and other Officers.

AND We do further authorize and empower the said Supreme Court of Judicature at *Madras*, from Time to Time, as Occasion shall require, to appoint so many and such Clerks, Registers, Proctors, and other Ministerial Officers, as shall be found necessary for the Administration of Justice, and the due Execution of all the Powers and Authorities which are and shall be granted and committed to the said Court, by these Our Letters Patent.

Fees to be settled by the Court, subject to the Revision of the Governor of *Fort St. George* in Council.

AND We do hereby further authorize and empower the said Supreme Court of Judicature at *Madras* to settle a Table of the Fees, to be allowed to such Sheriff, Attornies, and all other the Clerks and other Officers aforesaid, for all and every Part of the Business to be done by them, respectively, which Fees, when approved by the said Governor of *Fort St. George*, in Council (to whom We hereby give Authority to review the same,) the said Sheriff,

Attorneys, Clerks, and other Officers, shall and may lawfully demand and receive. And We do further authorize the said Supreme Court of Judicature at *Madras*, with the like Concurrence of the said Governor in Council, from Time to Time, to vary the said Table of Fees, as there shall be Occasion. And it is Our further Will and Pleasure, and We do hereby require and enjoin the said Court, within one Year after these Our Letters Patent shall have been published at *Madras* aforesaid, and within One Month from the said Settling and Allowance of the said Table of Fees, to certify, under their several Hands and Seals, and to transmit to the President of the *Board of Commissioners for the Affairs of India*, to be laid before Us, Our Heirs, and Successors, for Our and Their Royal Approbation and Correction, a True Copy of the said Table of Fees, together with the Approbation of the said Governor in Council, and also any Variation of the said Table, to be made as aforesaid, within One Month after the same shall have been so varied. And We further direct and appoint, That the said Table, and the said Alteration and Variations thereof (if any Alteration or Variation shall be made) shall be hung up in some conspicuous Part of the Hall, or Place, where the said Supreme Court of Judicature at *Madras* shall be publicly holden.

A true Copy of the Table of Fees to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before the King, for his Approbation and Correction.

The Jurisdiction of the Court defined.

AND We do further direct, ordain, and appoint, That the Jurisdiction, Powers, and Authorities of the said Supreme Court of Judicature at *Madras*, shall extend to all such Persons as have been heretofore described and distinguished in Our Charters of Justice for *Madras* by the Appellation of *British* Subjects, who shall reside within any of the Factories subject to, or dependent upon, the Government of *Madras;* and that the said Court shall be competent and effectual, and shall have full Power and Authority to hear and determine all Suits and Actions whatsoever against any of Our said Subjects, arising in Territories subject to, or dependent upon, or which hereafter shall be subject to, or dependent upon, the said Government, or within any of the Dominions of the Native Princes of *India* in Alliance with the said Government, or against any Person or Persons who at the Time when the Cause of Action shall have arisen, shall have been employed by, or shall have been directly or indirectly in the Service of the said *United Company*, or any of the said Subjects of Us, Our Heirs, or Successors. And the said Court hereby established shall have like Power and Authority to hear, try, and determine all, and all Manner of Civil Suits and Actions which, by the Authority of any Act or Acts of Parliament might have been heard, tried, or determined by the said Mayor's Court at *Madras* aforesaid, or which may now be heard, tried, or determined by the said Court of the Recorder of *Madras*, and all Powers, Authorities, and Jurisdictions, of what Kind or Nature soever, which by any Act or Acts of Parliament may be, or are directed to be exercised by the said Mayor's Court, or by the said Court of the Recorder of *Madras*, shall and may be as fully and effectually exercised by the said Supreme Court of Judicature at *Madras*, as the same might have been exercised and enjoyed by the said Mayor's Court, or by the said Court of the Recorder at *Madras*.

As to the Inhabitants of *Madras*.

AND We do hereby further direct and ordain, That the said Supreme Court of Judicature at *Madras*, shall have full Power to hear and determine all Suits and Actions that may be brought against the Inhabitants of *Madras*. Yet, nevertheless, in the Cases of *Mahomedans* or *Gentoos*, their inheritance and Succession to Lands, Rents and Goods, and all Matters of Contract and

Dealing, between Party and Party, shall be determined, in the Case of the *Mahomedans*, by the Laws and Usages of the *Mahomedans;* and, where the Parties are *Gentoos*, by the Laws and Usages of the *Gentoos*, or by such Laws and Usages as the same would have been determined by, if the Suit had been brought, and the Action commenced in a Native Court; and where one of the Parties shall be a *Mahomedan* or *Gentoo*, by the Laws and Usages of the Defendant. And in all Suits so to be determined by the Laws and Usages of the said Natives, the said Courts shall make such Rules and Orders for the Conduct of the same, and frame such Process for the Execution of their Judgments, Sentences, or Decrees, as shall be most consonant to the Religion and Manners of the said Natives, and to the said Laws and Usages respectively, and the easy Attainment of the Ends of Justice. And in all Cases such Means shall be adopted for compelling the Appearance of Witnesses, and taking their Examination, as shall be consistent with the said Laws and Usages, so that all Suits may be conducted with as much Ease, and at as little Expence, as shall be consistent with the Attainment of substantial Justice.

Certain Persons not to be arrested.

PROVIDED always, and We do hereby declare, That nothing in this Charter shall extend, or be construed to extend, to subject the Person of the Governor-General of *Fort William*, or the Person of the Governor, or any of the Council, at the said Settlement of *Madras*, or the Person of the Chief Justice, or any of the Justices respectively for the Time being, to be arrested or imprisoned in any Suit, Action, or Proceeding in the said Court; nor shall it be competent for the said Court to hear or determine, or to entertain or exercise Jurisdiction in any Suit or Action against the Governor-General of *Fort William*, or the Governor, or any of the Council, of the said Settlement, for or on Account of any Act or Order, or any other Act, Matter, or Thing whatsoever, committed, ordered, or done by them in their public Capacity, or acting as Governor-General, or Governor and Council; nor shall the said Court have or exercise any Jurisdiction, in any Matter concerning the Revenue, under the Management of the said Governor and Council respectively, either within, or beyond the Limits of the said Town, or the Forts or Factories subordinate thereto, or concerning any Act done according to the Usage and Practice of the Country, or the Regulations of the Governor and Council. And We further will and declare, That no Person shall be subject to the Jurisdiction of the said Court, for or by Reason of being a Land-Owner, Land-Holder, or Farmer of Land, or of Land Rent, or for receiving a Pension or Payment in Lieu of any Title to, or ancient Possession of Land, or Land Rent, or for receiving any Compensation or Share or Profits for collecting Rents payable to the Public out of such Lands or Districts as are actually farmed by himself, or those who are his Undertenants, by Virtue of the Farm, or for exercising within the said Lands or Farms any ordinary or local Authority, commonly annexed to the Possession or Farm thereof, or for or by Reason of his becoming Security for the Payment of the Rents reserved, or otherwise payable out of any Lands or Farms, or Farms of Lands, within the Dominions subject to the said Government of *Madras*. And no Person, for or by Reason of his being employed by the said *Company*, or the Governor and Council, or by any Person deriving Authority under them, or for or on Account of his being employed by a Native, or the Descendant of a Native of *Great-Britain*, shall become subject to the Jurisdiction of the said Court, in any

Certain Cases in which the Court shall not have any Jurisdiction.

Matter of Inheritance or Succession to Goods, or Lands, or in any Matter of Dealing or Contract between Party and Party, except in Actions for Wrongs or Trespasses only. And provided also, and We do further declare, That no action for Wrong or Injury shall lie against any Person whatever, exercising a judicial Office in any Country Court, for any Judgment, Decree, or Order of such Court, or against any Person for any Act done by, or in Virtue of the Order of such Court. And in Case any Information is intended to be brought against any such Person or Officer, the same shall be brought and proceeded in, in the same Manner, and to all Intents and Purposes in the same Form, and to the same Effect, as such Informations are directed to be proceeded in before the Supreme Court of Judicature at *Calcutta* in *Bengal*, by an Act passed in the Twenty-first Year of Our Reign, entitled "An Act to explain and amend so much of an Act made in the Thirteenth Year of the Reign of His present Majesty, entitled An Act for establishing certain Regulations for the better Management of the Affairs of the *East-India Company*, as well in *India* as in *Europe*, as relates to the Administration of Justice in *Bengal*, and for the Relief of certain Persons imprisoned at *Calcutta* in *Bengal*, under a Judgment in the Supreme Court of Judicature, and also for indemnifying the Governor-General and Council of *Bengal*, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court."

The Method of commencing and prosecuting Civil Suits.

AND to the End that Justice may be the more speedily and effectually administered in the said Supreme Court of Judicature at *Madras*, Our Will and Pleasure is, And We do hereby further, for Us, Our Heirs, and Successors, grant, ordain, and appoint, that upon any Cause of Action upon which the said Court can hold Plea, it shall be lawful and competent for any Person whatever, by himself or his lawful Attorney, duly admitted and inrolled in and by the said Court, in the Manner herein provided in that behalf, to prefer to the said Court, and file therein of Record a Plaint or Bill, in Writing, containing the Cause of Action or Complaint, whereupon the said Court shall, and is hereby authorized to award and issue a Summons, or Precept in the Nature of a Summons, in Writing, to be prepared in Manner above-mentioned, directed to the said Sheriff, and containing a short Notice of the Cause of Action set forth in the said Plaint, and commanding the said Sheriff to summon the Person, against whom the said Plaint shall have been filed, to appear at some certain Time and Place therein to be specified, to answer the said Plaint; which Precept, and the Execution thereof, the said Sheriff shall duly return to the said Court, and the Person or Persons so summoned shall accordingly appear, and may plead such Matter in Abatement, Bar, or other Avoidance of the said Plaint, or otherwise as he, she, or they shall be advised; and after such Appearance, the said Court shall proceed from Time to Time, giving reasonable Days to the Parties to hear their respective Allegations, as Justice may require, and examine the Truth thereof upon the Oath or Oaths of such competent and credible Witnesses as they shall produce respectively; to which End We hereby authorize and empower the said Court, at the request of either of the said Parties, to award and issue a Summons, or Precept

Witnesses to be summoned.

in the Nature of a Summons, to be prepared in Manner before-mentioned, and directed to every one of such Witnesses, commanding him or her to appear at a Time and Place to be specified in such Summons, to depose his

or her Knowledge touching the Suit so depending between the Parties, naming them, and specifying at whose Request such Summons shall have issued; and upon the Appearance of the said Witnesses, or any of them, the said Court may, and is hereby required to order and award to them, and each of them, such reasonable Sum of Money, for his, her, or their Expence, as the said Court shall think fit, whether such Witnesses shall be examined or not; the same to be paid forthwith by the Party at whose Request the said Summons shall have issued; and if the said Sum of Money, so ordered and awarded shall not be forthwith paid or secured to such Witnesses, to the Satisfaction of the said Court, the Party, to whom it shall belong to pay the same, shall not only lose the Benefit of the Testimony of such Witnesses, but shall be compelled to pay him or her the Money so ordered and awarded, by such Ways and Process as are herein provided for levying and enforcing the Payment and Satisfaction of Money recovered by Judgments of the said Court. And the said Court is hereby authorized and empowed to administer to such Witnesses, and others, whom they may see Occasion to examine, proper Oaths and Affirmations; that is to say, to such Persons as profess the Christian Religion, an Oath or Affirmation according to the Form used in *England* in like Cases; and to others, an Oath or Oaths, or Affirmations, in such Manner and Form as the said Supreme Court of Judicature at *Madras* shall esteem most binding upon their Consciences respectively. And the said Court is hereby authorized and required to cause such Witnesses, so sworn or affirming, to be examined, touching the Matters in Question; and in all Cases where, by Reason of the Amount in Value of the Matter in Dispute, an Appeal is allowed, by these Our Letters Patent, from the Judgment or Determination of the said Court (but not in any Cases of less Value) the said Supreme Court of Judicature at *Madras* is hereby authorized and required to reduce the Depositions of the Witnesses, so to be examined, or cause the same to be reduced, into Writing, and subscribed by the several Witnesses, with their Names or other Mark, and to file the same of Record. And in Case any Person, so summoned, shall refuse, or wilfully neglect to appear and be sworn, or to affirm, and be examined, and subscribe his or her Deposition, as the said Court shall appoint, the said Court is hereby empowered to punish such Person, so refusing, or wilfully neglecting, as for a Contempt, by Fine or by Imprisonment, or other corporal Punishment, not affecting Life or Limb.

And are to be sworn in such Way as may be most binding on their Consciences.

Witnesses, in Contempt, to be fined or imprisoned.

Provided always, That no Person, being a Native of *India*, shall be compelled or compellable, or enforced to appear in the said Court, by Virtue of any Summons to appear as a Witness, or to appear in any other Manner, or to give Testimony, in any other Form, than such Person could or might have been called upon, to appear and give Testimony before any Native Court, according to the Laws and Usages of the Natives; and no such Native shall be liable to any Punishment, for any Contempt in not appearing, or submitting to be sworn and examined, in any other Form or Manner than such Person could or might have been called upon, to appear and give Testimony before any such Native Court.

Proviso, that Native Witnesses are not to be called upon, otherwise than they could be called upon by a Native Court.

And We do further give to the said Supreme Court of Judicature at *Madras* full Power and Authority, upon examining and considering the several Allegations of the said Parties to such Suit, or of the Complainant alone, in Case the Defendant should make Default after Appearance, or say Nothing, or

The Court to give Judgment according to Justice and Right.

confess the Plaint, and on examining and considering the Depositions of the Witnesses, to give Judgment and Sentence, according to Justice and Right, and also to award and order such Costs to be paid by either, or any of the Parties, to the other or others, as the Court shall think just.

And to award Execution against the Goods, Lands, or Person of the Debtor.

AND We do further authorize and empower the said Supreme Court of Judicature at *Madras* to award and issue a Writ, or Writs, or other Process of Execution, to be prepared in Manner before-mentioned, and directed to the said Sheriff, for the Time being, commanding him to seize and deliver the Possession of Houses, Lands, or other Things, recovered in and by such Judgment, or to levy any Sum of Money which shall be so recovered, or any Costs which shall be so awarded, as the Case may require, by seizing and selling so much of the Houses, Lands, Debts, or other Effects, real and personal, of the Party or Parties against whom such Writs shall be awarded, as will be sufficient to answer and satisfy the said Judgment, or to take and imprison the Body or Bodies of such Party or Parties, until he, she, or they shall make such Satisfaction, or to do both, as the Case may require. And We direct and appoint, That the several Debts to be seized as aforesaid, shall from the Time the same shall be extended and returned into the said Supreme Court, be paid and payable, in such Manner and Form as the said Court shall appoint, and no other; and such Payment, and no other, shall, from thenceforth, be an absolute and effective Discharge for the said Debts, and every of them respectively. And We do hereby further authorize and empower the said Supreme Court to make such further and other interlocutory Rules and Orders, as the Justice of the Proceeding may seem to require. And in Case the Party, so summoned as aforesaid, shall not appear upon the Return of such Summons, or Precept, as aforesaid, according to the Exigence thereof, or if the Cause of Action as contained in such Plaint, as aforesaid, shall exceed the Value of Fifty Pagodas, or shall be in the Nature of an enormous personal Wrong, and in either or any of the said Cases, the said Court, or the Chief Justice, or any of the Justices, of the said Court, shall be satisfied, by Affidavit or Affirmation, to be filed of Record, that the Case is such as to require Security, then, after Return of such Summons, or in Lieu thereof, the said Court, or the Chief Justice, or any of the Justices, of the said Court, (the Orders and Acts of the said Chief Justice and Justices, or any of them, in this Respect, out of Court, to be subject to the Review and Controul of the Court) is hereby authorized and empowered to award and issue a Writ, or Warrant, directed to the said Sheriff, commanding him to arrest and seize the Body of such Defendant, and to have the same, at a Time and Place in the said Writ to be specified, before the said Court, to answer the said Plaint. And the said Court may, in and by the said Writ or Warrant, authorize the said Sheriff to deliver the Body of such Defendant, so arrested, to sufficient Bail, that such Defendant shall appear, at a Time and Place mentioned in such Writ or Warrant, and in all Things perform and fulfil the Exigence thereof: And upon the Appearance of such Defendant, in and before the said Court, We do hereby authorize and empower the said Court to commit him to Prison, to the said Sheriff, unless and until he shall give Bail, to the Satisfaction of the said Court, for paying the Debt, Damages, and Costs, which shall be recovered against him in such Action, or for rendering himself to Prison: and in Default thereof, that the Bail will pay such Debt, Damages,

And to make interlocutory Orders.

And in certain Cases to hold to Bail.

and Costs for him; which Bail We hereby empower the said Court to take, and thereupon to deliver the Body of the said Defendant to Bail. And if the said Sheriff shall make Return upon either of the said Writs of Summons, or Capias, that the Defendant is not to be found within the Jurisdiction of the said Court, and the Plaintiff, or some other Person, shall, by Affidavit, or in the Case of a Quaker, by Affirmation, in Writing or otherwise, to the satisfaction of the said Court, make Proof, verifying the Plaintiff's Demand, We do hereby grant, ordain, and appoint, That the said Court shall and may award and issue a Writ, in the Nature of a Writ of Sequestration, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to seize and sequester the Houses, Lands, Goods, Effects, and Debts of such Defendant, to such Value as the said Court shall think reasonable and adequate to the said Cause of Action, so verified as aforesaid, and the same to detain, till such Defendant shall appear, and abide such Order of the said Court, as if he had appeared on the former Process. And the said Court shall and is hereby authorized and empowered, according to their Discretion, either to cause the said Goods to be detained in Specie, or to be sold, and to give Day to such Defendant, by Proclamation, in open Court, from Time to Time, not exceeding Two Years in the Whole; and if such Defendant shall not appear on the last Day, which the said Court, in their Discretion, shall think proper to give, it shall be lawful, and the said Court is hereby authorized to proceed, *ex parte*, to hear, examine, and determine the said Plaint and Suit, or Cause of Action, and to give such Judgment therein, and award and order such Costs, as aforesaid. And if Judgment shall, in such Case, pass for the Plaintiff, the said Court is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in Manner above-mentioned, commanding him to sell the said Houses, Lands, Goods, Effects, and Debts, so seized and sequestered, and to make Satisfaction out of the Produce thereof, to the Plaintiff, for the Duty or Sum so recovered, and his Costs, and to return the Overplus, if any there be, after satisfying the said Judgment and Costs, and the Expences of the said Sequestration, to such Person, in whose Possession the said Effects were seized, or otherwise to reserve the same, for the Use of the said Defendant, as Occasion shall require. And if such Effects shall not be sufficient to produce the Sum so to be recovered, and the said Costs, the said Court is hereby further empowered to award and issue such Process of Execution for the Deficiency, as is herein provided for levying Money recovered by Judgment, and Costs; and if Judgment shall, in such last-mentioned Case, pass for the Defendant, the said Court is authorized and empowered to award and order the Costs of the said Suit, and the Expence of the said Sequestration, and all Damages occasioned thereby, to be paid by the said Plaintiff to the said Defendant, or his Attorney, or the Person in whose Possession the said Effects were seized; the same to be levied by such Process as is herein-before provided for levying Costs: And the said Debts, from the Time of their being so seized and extended, and returned into Court, shall be payable in such a Manner as the said Court shall direct, and no other.

Effects of Defendant, not appearing or not to be found, may be sequestered.

And the Goods sold to pay the Debt when adjudged, which after a Time the Court may do *ex parte*.

And if insufficient further Execution may be awarded.

AND We do hereby further will, direct, and ordain, That the said Court, hereby established, shall frame such Process, and make such Rules and Orders for the Execution of the same, in all Suits, civil and criminal, to be commenced, sued, or prosecuted, within their Jurisdiction, as shall be necessary

Court empowered to frame Rules and Process.

for the due Execution of all or any of the Powers hereby committed thereto, with an especial Attention to the Religion, Manners, and Usages of the Native Inhabitants, living within its Jurisdiction, and accommodating the same to their Religion, Manners, and Usages, and to the Circumstances of the Country, so far as the same can consist with the due Execution of Law, and the Attainment of substantial Justice.

Forms of Process, and Rules and Orders, to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before the King, for his Approbation and Correction.

PROVIDED always, and we do hereby further ordain and direct, That all Forms of Process, and Rules and Orders for the Execution thereof, which shall be framed by the said Court, shall be transmitted, from Time to Time, by the first convenient Opportunity, after the same shall be so framed, to the President of the *Board of Commissioners for the Affairs of India*, to be laid before Us, Our Heirs, or Successors, for Our and Their Royal Approbation, Correction, or Refusal: And We ordain and direct, That such Process shall be used, and such Rules shall be observed, until the same shall be repealed or varied; and in the last Case, with such Variation as shall be made therein.

Provision for the Prosecution of Suits against the *East-India Company*.

The Governor and Council of *Fort St. George* are to appoint an Attorney for the *Company*.

AND We do hereby, for Us, Our Heirs, and Successors, further grant, ordain, and appoint, That the said Governor and Council of *Fort St. George*, and their Successors, shall and may, from Time to Time, by their sufficient Warrant to be filed of Record in the said Supreme Court of Judicature at *Madras*, name and appoint some sufficient Person, resident in the said Town of *Madraspatnam*, to be the Attorney of the said *United Company*, who shall remain and act as Attorney to the said *Company*, so long as he shall reside in the said Town, or until some other fit Person, there resident, shall be appointed in his Place, in Manner above-mentioned. And if any such Plaint, as aforesaid, shall be filed in the said Court against the said *Company*, the said Court may and is hereby empowered to award and issue such Summons or Precept, as aforesaid, directed to the said Sheriff, commanding him to summons the said *Company*, by their said Attorney, to appear, at the Time and Place therein to be specified, to answer to the said Plaint; and the Sheriff shall serve the same upon the said Attorney, and the said Attorney shall thereupon appear for the said *Company*: and if the said *Company* shall not appear, in Manner aforesaid, upon the Return of the said Writ, the said Court may and is hereby authorized, upon such Default, to award and issue a Writ, to be prepared in Manner above-mentioned, and directed to the said Sheriff, commanding him to seize and sequester such and so much of the Estate and Effects of the said *Company*, as, upon the Circumstances, the said Court shall think fit, to compel the Appearance of the said *Company*, at the Time and place which shall be specified for that Purpose, in such Writ of Sequestration; and for Default of Appearance upon the Return of such last-mentioned Writ, the said Court may and is hereby empowered to issue such other Writ or Writs of Sequestration, until an Appearance of the said *Company* shall be duly entered and recorded in the said Court: and after such Appearance, the said Court shall and may proceed to hear and examine, try and determine the said Action and Suit, in Manner before-mentioned. And if Judgment shall be given in such Action or Suit against the said *Company*, the said Court may and is hereby empowered to award and order reasonable Costs to be paid by the said *Company*, and to cause the Debt or Damages and Costs, so awarded, to be raised and levied of the Estates, Goods, and Chattels of the said *Company*, in such Manner as is herein-before provided for Execution to be had in other

Actions and Suits. And if the said Governor and Council shall refuse or neglect, at any Time, to make and appoint such Attorney of Record, the said Court is hereby empowered and authorized to name an Attorney for the said *Company*, upon Record, upon whom Process shall, in like Manner, be served. And the said *Company* may also sue in the said Supreme Court of Judicature at *Madras*, in the same Manner, and to the same Effect, as any other Persons, within the Jurisdiction thereof, can or may do; and if Judgment shall be given against the said *Company*, the said Court of Judicature may order reasonable Costs to be paid by them to the Defendant, and to be raised and levied out of their Lands, Houses, Debts, Estates, Goods, and Chattels, in such Manner as is herein provided for Execution of Judgment on other Occasions. And if the said *Company*, after Four Sequestrations, and after the Expiration of Two Years from the Service of the Summons above-mentioned, shall not appear, then the said Court may, and is hereby required, if the Plaintiff or Plaintiffs shall, by Affidavit (or, being a Quaker, by Affirmation, in Writing or otherwise), to the Satisfaction of the said Court, make Proof, verifying his, her, or their Demand, proceed to, hear, examine, try, and determine the said Plaint and Cause, and to give such Judgment therein, and award such Costs, as aforesaid; and, in Case Judgment shall pass for the Plaintiff, the said Court is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in Manner before-mentioned, commanding him to sell the Goods and Effects, so seized and sequestered, and to make Satisfaction, out of the Produce thereof, to the Plaintiff or Plaintiffs, for the Debt so recovered, and his, her, or their Costs, and to return the Overplus (if any there be) after satisfying the said Judgment and Costs, and Expences of the said Sequestration, to such Person or Persons, in whose Possession the said Effects were so seized, to and for the Use of the said *United Company:* and if such Effects shall not be sufficient to produce the Sum so to be recovered, and the said Costs, the said Court is further empowered to award and issue such Process of Execution for the Deficiency, as is herein provided for levying Money recovered by Judgment, and Costs. And if Judgment shall, in any Case, pass for the said *Company*, the said Court is hereby authorized and empowered to award and order the Costs of the said Suit, and the Expences of the said Sequestration, and all the Damages occasioned thereby (the same being first taxed, ascertained, and attested, by the proper Officers) to be paid by the said Plaintiff or Plaintiffs, to the Person or Persons in whose Possession the said Effects were seized, to and for the Use of the said *Company;* and the same shall be levied by such Process as is herein-before provided for levying Costs.

In Default whereof, the Court may name one.

The *Company* may sue in the Court as any other Persons.

AND it is Our further Will and Pleasure, and We do hereby for Us, our Heirs, and Successors, grant, ordain, and establish, That the said Supreme Court of Judicature at *Madras* shall also be a Court of Equity, and have equitable Jurisdiction over the Person or Persons herein-before described and specified, or limited for its ordinary civil Jurisdiction as aforesaid, subject to the Restrictions and Exceptions herein-before, in that Behalf, expressed or contained, and not otherwise; and shall and may have full Power and Authority to administer Justice, in a summary Manner, according, or as near as may be, to the Rules and Proceedings of Our High Court of Chancery in *Great-Britain*. And upon a Bill filed to issue Subpœnas and other Process, under the Seal of the said Court, to compel the Appearance, and Answer upon Oath,

An equitable Jurisdiction given to the Court, similar to the Court of Chancery.

of the Parties therein complained against, and Obedience to the Decrees and Orders of the said Court of Equity, in such Manner and Form, and to such Effect, as Our High Chancellor of *Great-Britain* doth or lawfully may, under Our Great Seal of *Great-Britain*, or as near the same as the Circumstances and Condition of the Places and Persons under their Jurisdiction, and the Laws, Manners, Customs, and Usages of the Native Inhabitants, will admit.

With similar Authority over the Persons and Estates of Infants and Lunatics.

And We do hereby authorize the said Supreme Court of Judicature at *Madras* to appoint Guardians and Keepers for Infants, and their Estates, according to the Order and Course observed in that Part of *Great-Britain* called *England;* and also Guardians and Keepers of the Persons and Estates of natural Fools, and of such as are or shall be deprived of their Understanding or Reason, by the Act of God, so as to be unable to govern themselves and their Estates, which We hereby authorize and empower the Supreme Court of Judicature at *Madras* to enquire, hear, and determine, by inspection of the Person, or by such other Ways and Means, by which the Truth may be best discovered and known.

Also Criminal Jurisdiction as a Court of Oyer and Terminer.

And it is Our further Will and Pleasure; and We do hereby grant, order, ordain, and appoint, That the said Supreme Court of Judicature at *Madras* shall also be a Court of Oyer and Terminer and Gaol Delivery, in and for *Fort St. George*, and the Town of *Madras* and the Limits thereof, and the Factories subordinate thereto, and shall have and be invested with the like Power and Authority, as Commissioners or Justices of Oyer and Terminer and Gaol Delivery have, or may exercise, in that Part of *Great-Britain* called *England*, to enquire, by the Oaths of good and sufficient Men, of Treasons, Murders, and other Felonies, Forgeries, Perjuries, Trespasses, and other Crimes and Misdemeanors, heretofore had, made, done, or committed, or which shall hereafter be had, done, or committed, within *Fort St. George*, and the said Town of *Madras*, or the Limits thereof, or the Factories subordinate thereto: and for that Purpose to issue their Warrant or Precept, to be prepared in Manner above-mentioned and directed to the said Sheriff, commanding him to summon a convenient Number, therein to be specified, of the principal Inhabitants, resident in *Fort St. George*, or the said Town of *Madras*, being Persons so heretofore described and distinguished as *British* Subjects of Us, Our Heirs, and Successors, as aforesaid, to attend and serve, at a Time and Place therein also to be specified, as a Grand Jury, or Inquest, for Us, Our Heirs, and Successors, and present to the said Court such Crimes and Offences as shall come to their Knowledge, and the said Crimes and Offences to hear and determine, by the Oaths of other good and sufficient Men, being Persons so heretofore described and distinguished, as *British* Subjects of Us, Our Heirs, and Successors, and resident in *Fort St. George*, or the said Town of *Madras*, or the Limits thereof, or the Factories subordinate thereto: and for that Purpose to issue a Summons or Precept, prepared in such Manner as is hereinbefore mentioned, and directed to the said Sheriff, commanding him to summon a convenient Number, to be therein specified, of such persons so heretofore described and distinguished as *British* Subjects, as aforesaid, to try the said Indictment or Inquest. And if any Person or Persons to be summoned upon such Grand or Petit Jury, as aforesaid, shall refuse or neglect to attend, according to such Summons, and be sworn upon Inquest, We do hereby further empower the said Supreme Court of Judicature at *Madras* to punish

the said Contempt, by Fine, or by Imprisonment for a reasonable Time, to be limited, or by both. And We do further empower the said Supreme Court of Judicature at *Madras*, in like Manner, and under the like Penalties, to cause all such Witnesses as Justice shall require, to be summoned, and to administer to them, and each of them, the proper Oaths, that is to say; to such as profess the Christian Religion, an Oath in such Manner and Form as the same would have been administered in *England;* and to others, such Oaths, and in such Manner, as the said Court shall esteem to be most binding upon their Consciences; and to proceed to hear, examine, try, and determine the said Indictments and Offences, and to give Judgment thereupon, and to award Execution thereof, and in all Respects to administer criminal Justice, in such or the like Manner and Form, or as nearly as the Condition and Circumstances of the Place and the Persons will admit of, as Our Courts of Oyer and Terminer and Gaol Delivery do, or may, in that Part of *Great-Britain* called *England*, due Attention being had to the Religion, Manners, and Usages of the Native Inhabitants.

Criminal Jurisdiction, as to Offences committed by any of the King's Subjects in the Territories of Foreign Princes.

And We do further authorize and empower the said Supreme Court of Judicature of *Madras*, in like Manner, to enquire, hear, and determine, and to award Judgment and Execution, of, upon, and against all Treasons, Murders, Felonies, Forgeries, Perjuries, Crimes, Extortions, Misdemeanors, Trespasses, Wrongs, and Oppressions, had, done, or committed, or which shall hereafter be had, done, or committed, by any of Our Subjects, in any of the Territories subject to, or dependent upon, the Government of *Madras*, or within any or the Territories which now are, or hereafter may be, subject to, or dependent upon the said Government, or within any of the Dominions of the Native Princes of *India*, in Alliance with the said Government; and for that Purpose to award and issue a Writ or Writs to the said Sheriff, prepared in Manner before-mentioned, commanding him to arrest and seize the Body or Bodies of such Offender or Offenders, and bring him or them to *Fort St. George*, aforesaid, and him or them to keep, until he or they shall be delivered by due Course of Law, and to do all other Acts which shall be necessary, as well for the due Administration of criminal Justice, as for any other Purpose or Purposes, in as ample Manner and Form as might have been done by the Court of Oyer and Terminer at *Fort St. George*, as established by the said Charter of Justice, so granted, as aforesaid, by Our said Royal Grandfather, or by the said Charter so granted by Us, as hereinbefore-mentioned, or by Virtue, or under the Authority of any Act or Acts of Parliament, relative thereto, and in such Manner and Form, as nearly as the Circumstances and Condition of the Case will admit of, as Our Court of Oyer and Terminer and Gaol Delivery may do, in that Part of *Great-Britain* called *England*. And We further ordain and establish, That in any Case it shall not be lawful for any Offender to object to the Locality of the Jurisdiction of the Court, or of the Grand or Petit Jury, summoned as hereby directed; but he shall be indicted, arraigned, tried, convicted, and punished, or acquitted or demeaned, in all Respects, as if the Crime had been committed within *Fort St. George*, or the Town of *Madras*, or the Limits thereof, or the Factories subordinate thereto.

Exception of the Governor and Council of *Fort St. George*, in certain Cases, from the Criminal Jurisdiction.

Provided always, and We do hereby declare, That the said Court shall not be competent to hear, try, and determine, any Indictment or Information against the Governor-General of *Fort William* in *Bengal*, or the Governor,

or any of the Council of *Fort St. George*, not being for Treason or Felony, which the Governor-General, or Governor, or any of the Council, shall or may be charged with having committed, within the Jurisdiction of the same.

The Court of Oyer and Terminer may reprieve Execution of any capital Sentence, until the King's Pleasure is known.

AND whereas Cases may arise, wherein it may be proper to remit the general Severity of the Law, We do hereby authorize and empower the said Court of Oyer and Terminer and Gaol Delivery, to reprieve and suspend the Execution of any capital Sentence, wherein there shall appear, in the Judgment of the said Court, a proper Occasion for Mercy, until Our Pleasure shall be known: And the said Court shall, in such Case, transmit to Us, under the Seal of the said Court, a State of the Case, and of the Evidence, and of the Reasons for recommending the Criminal to Our Mercy, or for such Reprieve or Suspension, as the Case may be; and in the mean Time the said Court shall cause such Offender to be kept in strict Custody, or deliver him or her out to sufficient Bail or Mainprize, as the Circumstances shall seem to require.

The Court to exercise Ecclesiastical Jurisdiction,

AND it is Our further Will and Pleasure, and We do hereby for Us, Our Heirs, and Successors, grant, ordain, establish, and appoint, That the said Supreme Court of Judicature at *Madras* shall be a Court of Ecclesiastical Jurisdiction, and shall have full Power and Authority to administer and execute, within and throughout *Fort St. George*, and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and all the Territories which now are, or hereafter may be, subject to, or dependent upon, the said Government, and towards and upon all Persons, so described and distinguished by the Appellation of *British* Subjects, as aforesaid, there residing, the Ecclesiastical Law, as the same is now used and exercised in the Diocese of *London*, in *Great-Britain*, so far as the Circumstances and Occasion of the said Fort, Town, Territories, and People shall admit or require: And to that Purpose, We give and Grant to the said Supreme Court of Judicature at *Madras*, full Power and Authority to take cognizance of, and proceed in all Causes, Suits, and Business, belonging and appertaining to the Ecclesiastical Court, before the said Supreme Court of Judicature at *Madras*, in whatsoever Manner to be moved, as well at the Instance or Promotion of Parties as of Offices, mere or mixed, against any of the said Subjects, residing in the said Fort, Town, Territories, or Districts, and which, by the Law and Custom of the said Diocese of *London*, are of Ecclesiastical Cognizance: And the said Causes, Suits, and Business, with their Incidents, Emergents, and Dependents, and whatsoever is thereto annexed and therewith connected, to hear, dispatch, discuss, determine: And also, to grant Probates under the Seal of the said Court of the said Recorder of *Madras*, of the last Wills and Testaments of all or any of the said Subjects of Us, Our Heirs, and Successors, dying and leaving personal Effects, within the said Territories or Districts, respectively, and of all Persons who shall die or have Effects within the Places aforesaid: and to commit Letters of Administration, under the Seal of the said Court, of the Goods, Chattels, Credits, and all other Effects whatsoever, of the Persons aforesaid, who shall die intestate, or who shall not have named an Executor, resident within the said Fort, Town, Territories, or Districts, or where the Executor, being duly cited, according to the Form generally used for that Purpose in the said Diocese of *London*, shall not appear, and sue forth such Probate, annexing the Will to the said Letters of Administration, when such Person shall have left a Will without naming any Executor, or any Person for Executor, who shall

and grant Probates of Wills, and Letters of Administration, of Persons dying or having Effects within its Jurisdiction.

then be alive and resident within the said Fort, Town, Territories, or Districts, and who, being duly cited thereunto, will appear and sue forth a Probate thereof; and to sequester the Goods and Chattels, Credits, and other Effects whatsoever, of such Persons, so dying, in Cases allowed by Law, as the same is and may now be used in the said Diocese of *London;* and to demand, require, take, hear, examine, and allow, and if Occasion require, to disallow and reject the Account of them, in such Manner and Form as is now used, or may be used, in the said Diocese of *London;* and to do all other Things whatsoever, needful and necessary in that Behalf.

Provided always, and We do hereby authorize and require the said Supreme Court of Judicature at *Madras*, in such Cases as aforesaid, where Letters of Administration shall be committed with the Will annexed, for Want of an Executor appearing, in due Time, to sue forth the Probate, to reserve in such Letters of Administration full Power and Authority to revoke the same, and to grant Probate of the said Will to such Executor, whenever he shall appear and sue forth the same. And We do hereby further authorize and require the said Supreme Court of Judicature at *Madras* to grant and commit such Letters of Administration, according to the Course now used, or which lawfully may be used; in the said Diocese of *London*, to the lawful Next of Kin of such Persons so dying, as aforesaid. And, in Case no such Person shall then be residing within the Jurisdiction of the said Court, or being duly cited, shall not appear and pray the same, to the principal Creditor of such Person, or such other Creditor as shall be willing or desirous to obtain the same; and for Want of any Creditor appearing, then to the Registrar of the said Court, in such Manner, and subject to such Power of Revocation, as in and by the said recited Act of Parliament, passed in the Fortieth Year of Our Reign, is for that Purpose provided.

Administrators are to give Security, by Bond, for duly administering Effects as in the Diocese of *London.*

And We do hereby further enjoin and require, That every Person, to whom such Letters of Administration shall be committed, other than the Registrar of the said Court, taking Administration under the Authority of the said Act of the Fortieth Year of Our Reign, shall, before the granting thereof, give sufficient Security, by Bond, to the Registrar, or Chief Clerk, of the said Supreme Court of Judicature at *Madras*, for the Payment of a competent Sum of Money, with Two or more able Sureties (Respect being had in the Sum therein to be contained, and in the Ability of the Sureties, to the Value of the Estate, Credits, and Effects of the deceased); which Bond shall be deposited in the said Court, among the Records thereof, and there safely kept; and a Copy thereof shall be also recorded among the Proceedings of the said Court; and the Condition of the said Bond shall be to the following Effect: "That if the above-bounden Administrator of the Goods and Effects "of the deceased, do make, or cause to be made, a true and perfect Inven-"tory of all and singular the Goods, Chattels, Credits, and Effects of the said "deceased, which have or shall come to the Hands, Possession, or Know-"ledge of him the said Administrator, or the Hands or Possession of any "other Person or Persons for him; and the same, so made, do exhibit, or "cause to be exhibited, into the Supreme Court of Judicature at *Madras*, at "or before a Day therein to be specified, and the same Goods, Chattels, "Credits, and Effects of the deceased, at the Time of his Death, or which, "at any Time afterwards, shall come to the Hands or Possession of such

"Administrator, or to the Hands or Possession of any other Person, or Persons, "for him, shall well and truly administer, according to Law; and further "shall make, or cause to be made, a true and just Account of his said Adminis- "tration, at or before a Time therein to be specified; and all the Rest and "Residue of the said Goods, Chattels, Credits, and Effects, which shall be "found remaining upon the said Administration Account, the same being first "examined and allowed of by the said Supreme Court of Judicature at *Madras*, "shall deliver and pay unto such Person or Persons respectively, as shall be "lawfully entitled to such Residue; then this Obligation to be void and of "none Effect, or else to remain in full Force and Virtue." And, in Case it shall be necessary to put the said Bond in Suit, for the Sake of obtaining the Effect thereof, for the Benefit of any Person or Persons who shall appear to the said Supreme Court to be interested therein, such Person or Persons, from Time to Time, paying all such Costs as shall arise from the said Suit, or any Part thereof, such Person or Persons shall, by Order of the said Court, be allowed to sue the same, in the Name of the said Obligee, and the said Bond shall not be sued in any other Manner. And We do hereby authorize and empower the said Supreme Court of Judicature at *Madras* to order that the said Bond shall be put in Suit, in the Name of the said Registrar or Chief Clerk, or his Executors or Administrators, whom We also authorize the said Court to name and appoint for that special Purpose.

In what Cases the Bond may be put in Suit.

AND whereas many Persons, possessed of, or entitled to, Money or Effects, within the Limits of the Jurisdiction hereby given to the said Supreme Court of Judicature at *Madras*, may die in other Parts or Countries, in Aid, therefore, of the Executors or Next of Kin, and Creditors of the Persons so dying, not within the said Limits, We further, for Us, Our Heirs, and Successors, grant and ordain, That the said Supreme Court of Judicature at *Madras* shall and may grant such Probates of Wills, and Letters of Administration, of any Person dying out of the Limits of the said Jurisdiction, and leaving Effects within the said Limits, as the said Court is authorized to grant, in Case of a Person dying within the said Limits, so far as may relate to such Money or Effects, as the Person, so dying, was possessed of, or entitled to, at the Time of his Decease, within the Limits of their said Jurisdiction, and no farther.

The Court may grant Administration of Effects at the Settlement, though left by Persons who died out of the Settlement.

AND it is Our further Will and Pleasure, and We do hereby grant, ordain, establish, and appoint, That the said Supreme Court of Judicature at *Madras* shall be a Court of Admiralty, in and for *Fort St. George*, and the said Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and all the Territories which now are, or hereafter may be, subject to, or dependent upon, the said Government. And We do hereby commit and grant to the said Supreme Court of Judicature at *Madras*, full Power and Authority to take Cognizance of, hear, examine, try, and determine, all Causes, civil and maritime, and all Pleas of Contracts, Debts, Exchanges, Policies of Assurance, Accounts, Charter-parties, Agreements, Loading of Ships, and all Matters and Contracts which, in any Manner whatsoever, relate to Freight or Money due for Ships hired and let out, transport Money, maritime Usury, Bottomry, or Respondentia, or to Extortions, Trespasses, Injuries, Complaints, Demands, and Matters civil and maritime, whatsoever, between Merchants, Owners, and Proprietors of Ships and Vessels, employed or used within the Jurisdiction

The Recorder's Court to be a Court of Admiralty.

aforesaid, or between others, contracted, done, had, or commenced, in, upon, or by the High Seas, or public Rivers, or Ports, Creeks, Harbours, and Places overflown, within the ebbing and flowing of the Sea and high-water Mark, within, about, and throughout the Fort, Town, Factories, and Territories aforesaid, the Cognizance whereof doth belong to the Jurisdiction of the Admiralty, as the same is used and exercised in that Part of *Great-Britain* called *England*, together with all and singular their Incidents, Emergents, and Dependencies, annexed and connexed Causes whatsoever; and to proceed summarily therein, with all possible Despatch, according to the Course of Our Admiralty of that Part of *Great-Britain* called *England*, without the strict Formalities of Law, considering only the Truth of the Fact and the Equity of the Case.

Further Power, with Regard to Crimes Maritime,

AND We do further commit to the said Supreme Court of Judicature at *Madras*, full Power and Authority to enquire, hear, try, examine, and determine, by the Oaths of honest and lawful Men, being Persons so heretofore described and distinguished as *British* Subjects, and not otherwise, all Treasons, Murders, Piracies, Robberies, Felonies, Maimings, Forestalling, Extortions, Trespasses, Misdemeanors, Offences, Excesses and Enormities, and maritime Crimes whatsoever, according to the Laws and Customs of the Admiralty, in that Part of *Great-Britain* called *England*, done, perpetrated, or committed, upon the High Seas: and to fine, imprison, correct, punish, chastise, and reform, Parties guilty, and all Violators of the Law, Usurpers, Delinquents, contumacious Absenters, Masters of Ships, Mariners, Rowers, Fishers, Shipwrights, and other Workmen, exercising any kind of maritime Affairs, according to the said civil and maritime Laws, Ordinances, and Customs, and their respective Demerits; and to deliver and discharge Persons imprisoned in that Behalf, who ought to be delivered, and to take Recognizances, Obligations, Stipulations, and Cautions, as well to Our Use, as at the Instance of other Parties, and to put the same in Execution, or to cause or command them to be executed; and also to arrest, or cause or command to be arrested, according to the civil Law, and the ancient Customs of Our High Court of Admiralty, in that Part of *Great-Britain* called *England*, all Ships, Persons, Things, Goods, Wares, and Merchandizes, for the Premises, and every of them, and for other Causes whatsoever, concerning the same, wheresoever they shall be met with or found, in or throughout the said Districts and Jurisdictions aforesaid; and to compel all Manner of Persons, in that Behalf, as the Case shall require, to appear and answer in the said Court, with Power of using any temporal Coercion, and inflicting Mulcts and Penalties, according to the Laws and Customs aforesaid; and moreover to compel Witnesses, in Case they shall withdraw themselves for Interest, Fear, Favour, or Ill-will, or other Cause whatsoever, to give Evidence to the Truth, in all and every Cause or Causes above-mentioned, according to the Exigencies of the Laws, and to proceed in such Cause or Causes, according to the Civil and Maritime Laws and Customs, as well at the Instance or Promotion of Parties, as of Office, mere or mixed, as the Case may require; and to promulge and interpose all Manner of Sentences and Decrees, and to put the same in Execution, according to the Course and Order of the Admiralty, as the same is now used in that Part of *Great-Britain* called *England*. Provided always That the several Powers and Authorities, herein given to the said Court to proceed in maritime Causes, and according to the Laws of the Admiralty, as

To punish Offenders,

To deliver and discharge Prisoners,

To arrest Ships,

And to compel Persons to appear,

and Witnesses to give Evidence,

According to the Law, Civil and Maritime, as used in *England*.

herein expressed, shall extend, and be construed to extend, only to such Persons as, pursuant to the Provisions herein-before contained, are and would be amenable to the said Supreme Court of Judicature at *Madras* in its ordinary Jurisdiction.

Affidavits and Affirmations how to be taken.

AND We do hereby ordain and appoint, That all Affidavits taken, in the said Court of Judicature at *Madras*, or before any Judge thereof, shall be made on Oaths, administered in such Form and Manner as is before directed, in the Case of Witnesses to be examined before the said Court. Provided nevertheless, That in all civil Cases, the Affirmation, in Writing, of a Quaker, which the said Court, or any Judge of the said Court, as the Case may require, are hereby authorized and empowered to take, shall be of the same Weight, Authority, and Effect, as an Affidavit upon Oath.

Power for the Court to appoint Commissioners to take Affidavits, &c.

AND We do hereby further will, ordain, and declare, That it shall and may be lawful, to and for the said Supreme Court of Judicature at *Madras*, in any Part of its Jurisdiction, whether Common Law, Equity, Ecclesiastical or Admiralty, by Commission or Commissions, under the Seal of the said Court, to authorize and appoint any fit or proper Person or Persons, either generally, or in any particular Case, or for one or more Turn or Turns only, to receive the Acknowledgments of Recognizances of Bail and Bail Process, and to administer Oaths for the Justification of Bail, and for the taking of any Affidavit or Affirmation, or for receiving and taking the Answer, Plea, Demurrer, Disclaimer, or Examination of any Party or Parties to any Suit, or for the Examination of any Witness or Witnesses, upon Interrogatories, either *de bene esse* or in chief, or any other Occasion, and for the swearing Executors and Administrators in any Suit, Matter, or Proceeding, which may be pending, or about to be instituted in the said Court, upon such Occasions as the said Court shall think fit to issue such Commissions. And We direct and ordain, That such Commission and Commissions so to be issued, shall respectively be executed, acted under, and returned, if the same shall require any Return, in such Manner and Form, as such Matters are usually transacted by Commissions, general or special, issued out of Our Court of King's Bench at *Westminster*, or Our High Court of Chancery, or the Ecclesiastical Court of the Diocese of *London*, or Our High Court of Admiralty in *England*, respectively. Provided always, That nothing herein contained shall extend to authorize or empower the issuing of any Commission or Commissions, for the Examination of any Witness or Witnesses, upon any Indictment or Information for any Offence whatsoever, to be tried and determined by and before the said Court.

Suitor's Money and Securities to be deposited with the Company's Cash.

AND We do further will and ordain, That all the Monies, Securities, and Effects of the Suitors of the said Court, which shall be ordered into Court, or to be paid, delivered, or deposited for safe Custody, shall be paid or delivered unto, or deposited with the Governor, or President and Council at *Fort St. George*, to be by them kept, and deposited with the Cash and Effects of the said *Company*, subject to such Orders and Directions as the said Supreme Court of Judicature at *Madras* shall, from Time to Time, think fit to make, concerning the same, for the Benefit of the Suitors; the said *United Company* being responsible for the said Monies, Securities, and Effects, in such Manner, and subject to the same Exceptions, as is mentioned in the said in Part-recited Charter of Our said Royal Grandfather, with respect to the Monies, Securities, or Effects, to be deposited with the said Governor, or President and Council, under the Authority of the Mayor's Court thereby erected.

An Accountant-General to be appointed by the Court of Directors.

AND We do, for Us, Our Heirs, and Successors, give and grant unto the *Court of Directors* of the said *Company*, or the major Part of them, full Power and Authority, from Time to Time, to name and appoint an Officer, under the Name of the *Accountant-General of the Supreme Court of Judicature at Madras*, and the same at their Pleasure to remove, and another to appoint, who shall act, perform, and do, all Matters and Things necessary to carry into Execution the Orders of the said Court, relating to the Payment or Delivery of the Suitors' Money, Effects, and Securities, unto the Governor or President and Council of the said *United Company*, of *Fort St. George*, and taking the same out again, and keeping the Accounts with the said Governor and Council, and Registrar of the said Supreme Court of Judicature at *Madras*, and other Matters relating thereto, under such Rules, Methods, and Directions, as shall, from Time to Time, be made and given, under the Hands of Thirteen or more of the *Court of Directors* of the said *Company;* which Rules, Methods, and Directions, We will and direct, shall be according to such Rules, Methods, and Directions, as are observed by the Accountant-General of Our High Court of Chancery in *Great-Britain*, or as near thereto as may be, and as the Situation and Circumstances of Affairs will permit.

Courts of Requests and Quarter Sessions, &c. to be subject to this Court.

AND to the End that the Court of Requests, and the Court of Quarter Sessions erected and established at *Madras* aforesaid, and the Justices and other Magistrates appointed for *Fort St. George* and the Town of *Madras*, and the Factories subordinate thereto, may better answer the Ends of their respective Institutions, and act conformably to Law and Justice, It is Our further Will and Pleasure, and We do hereby further grant, ordain, and establish, That all and every the said Courts and Magistrates shall be subject to the Order and Control of the said Supreme Court of Judicature at *Madras*, in such Sort, Manner, and Form, as the inferior Courts and Magistrates of and in that Part of *Great-Britain* called *England* are, by Law, subject to the Order and Control of Our Court of King's Bench; to which End the said Supreme Court of Judicature at *Madras* is hereby empowered and authorized to award and issue a Writ or Writs of Mandamus, Certiorari, Procedendo, or Error, to be prepared in Manner above-mentioned, and directed to such Courts or Magistrates as the Case may require, and to punish any contempt thereof, or wilful Disobedience thereunto, by Fine and Imprisonment.

Appeal to the King in Council.

AND it is Our further Will and Pleasure, and We do hereby direct, establish, and ordain, That if any Person or Persons shall find him, her, or themselves aggrieved, by any Judgment or Determination of the said Supreme Court of Judicature at *Madras*, in any Case whatsoever, it shall and may be lawful for him, her, or them, to appeal to Us, Our Heirs, or Successors, in Our or Their Privy Council, in such Manner, and under such Restrictions and Qualifications, as are hereinafter-mentioned, that is to say; in all Judgments or Determinations made by the said Supreme Court of Judicature at *Madras* in any civil Cause, the Party and Parties against whom, or to whose immediate Prejudice the said Judgment or Determination shall be or tend, may, by his or their humble Petition to be preferred for that Purpose to the said Court, pray Leave to appeal to Us, Our Heirs, or Successors, in Our or Their Privy Council, stating in such Petition the Cause or Causes of Appeal. And in Case such Leave to appeal shall be prayed by the Party or Parties who is or are directed to pay any Sum of Money, or to perform any Duty, the said Court shall and is hereby empowered to award, that such Determination or Judgment shall be

carried into Execution, or that sufficient Security shall be given for the Performance of the said Judgment or Determination, as shall be most expedient to real and substantial Justice. Provided always, That where the said Court shall think fit to order the Judgment or Determination to be executed, Security shall be taken from the other Party or Parties, for the due Performance of such Judgment or Order, as We, Our Heirs, or Successors, shall think fit to make thereupon. And in all Cases We will and require, That Security shall also be given, to the Satisfaction of the said Court, for the Payment of all such Costs as the said Supreme Court of Judicature at *Madras* may think likely to be incurred by the said Appeal, and also for the Performance of such Judgment or Order, as We, Our Heirs, or Successors shall think fit to give or make thereupon: And upon such Order or Orders of the said Court thereupon made, being performed to their Satisfaction, the said Court shall allow the Appeal, and the Party or Parties, so thinking him, her, or themselves aggrieved, shall be at Liberty to prefer and prosecute his, her, or their Appeal, to Us, Our Heirs, or Successors, in Our or Their Privy Council, in such Manner and Form, and under such Rules, as are observed in Appeals made to Us from Our Plantations or Colonies, or from Our Islands of *Guernsey*, *Jersey*, *Sarke*, or *Alderney*.

Security on such Appeal for Costs and for Performance of Judgment.

Court on such Appeal, to transmit a Copy of all Evidence and Proceedings.

AND it is Our further Will and Pleasure, and We do hereby direct and ordain, That in all such Cases the said Supreme Court of Judicature at *Madras* shall certify and transmit, under the Seal of the said Court, to Us, Our Heirs, or Successors, in Our or Their Privy Council, a true and exact Copy of all Evidence, Proceedings, Judgments, Decrees, and Orders, had or made in such Causes appealed, so far as the same have relation to the Matter of Appeal.

In criminal Suits, the Court may allow or deny Appeal and regulate the Terms.

AND it is Our further Will and Pleasure, That in all Indictments, Informations, and criminal Suits, and Causes whatsoever, the said Supreme Court of Judicature at *Madras* shall have the full and absolute Power and Authority to allow or deny the Appeal of the Party pretending to be aggrieved, and also to award, order, and regulate the Terms upon which Appeals shall be allowed, in such Cases in which the said Court may think fit to allow such Appeal.

Reservation of Power to the King to refuse or admit an Appeal.

AND We do hereby also reserve to Ourselves, Our Heirs, and Successors, in Our or Their Privy Council, full Power and Authority, upon the humble Petition of any Person or Persons aggrieved by a Judgment or Determination of the Supreme Court of Judicature at *Madras*, to refuse or admit his, her, or their Appeal thereupon, upon such Terms, and under such Limitations, Restrictions, and Regulations, as We or They shall think fit, and to reform, correct, or vary such Judgment or Determination, as to Us or Them shall seem meet.

Court to execute Judgments and Orders of His Majesty.

AND We do further direct and ordain, That the said Court shall in all such Cases, conform to and execute, or cause to be executed, such Judgments and Orders as We shall think fit to make in the Premises, in such Manner as any original Judgment, Decree, or Decretal or other Order or Rule, by the said Supreme Court of Judicature at *Madras*, should or might have been executed.

No Appeals to be allowed, except the Petition shall be preferred within Six Months, and unless the Matter shall exceed 1000 Pagodas.

PROVIDED always, That no Appeal shall be allowed by the said Court, unless the Petition for that Purpose shall be preferred within Six Months from the Day of pronouncing the Judgment or Determination complained of, and unless the Value of the Matter in dispute shall exceed the Sum of One Thousand Pagodas.

And it is Our further Will and Pleasure, and We do hereby direct, ordain, and appoint, That the said Chief Justice, and other Justices, forthwith after the Arrival of this Our Charter at *Madras*, if he or they shall then be there, or forthwith after his or their Arrival there, shall assemble themselves, or so many of them as shall be able to assemble themselves, in the Room or Hall where the Court of the Recorder of *Madras* shall then be usually holden, or in some other proper Room or Place to be appointed for that Purpose; and the said Chief Justice, if present, shall then and there take an Oath, in the most solemn Manner, that he will, to the best of his Knowledge, Skill, and Judgment, duly and justly execute the said Office of Chief Justice of the Supreme Court of Judicature at *Madras*, and impartially administer Justice in every Cause, Matter, or Thing, which shall come before him; and shall also take the Oath of Allegiance and Supremacy, and make and subscribe the Declaration against Transubstantiation, in such Manner and Form, as the same are, by Law, appointed, to be taken or made in *Great-Britain;* of which Oaths a Record shall be forthwith made. And We do hereby authorize the said Puisne Justices, or such of them as shall then be present, to administer the said Oaths and Declarations, and make such Record thereof, accordingly; and the said Puisne Justices, or such of them as shall then and there be present, shall take the like Oaths, and make and subscribe the like Declarations, only changing what ought to be changed, for that Purpose, before the said Chief Justice if present, and if not, then each of the said Puisne Justices shall take such Oath before the other of them; of which Oaths, also, a Record shall be forthwith made. And We do hereby authorize the said Chief Justice, and Puisne Justices respectively, to administer the said Oaths and Declarations, and record the same accordingly. And We do hereby further ordain and establish, That the said Chief Justice and Puisne Justices, and all and every succeeding Chief Justice and Puisne Justices, shall, before he or they shall be capable of exercising the said Office or Offices, respectively, take, in open Court, the like Oaths, and subscribe the like Declarations, only changing what ought to be changed for that Purpose, whereof Records shall be made, and filed among the other Records of the Court, from Time to Time: And after the said Chief Justice, and the said Puisne Justices, or so many of them as shall be assembled at the Time and Place aforesaid, shall have taken the said Oaths, and have made and subscribed the like Declaration, the said Supreme Court of Judicature at *Madras* shall be proclaimed and published, in due Manner, and proceed forthwith to the Execution of the several Authorities hereby vested in it.

Chief Justice and other Judges to be sworn.

And it is Our further Will and Pleasure, and We hereby grant and declare, That from and immediately after the publishing and proclaiming of the said Supreme Court of Judicature at *Madras*, so much of the said Charter, granted by Us in the Thirty-eighth Year of Our Reign, as hereinbefore mentioned, as confers any Jurisdiction whatsoever, civil or criminal, or ecclesiastical, upon the Court of the Recorder of *Madras*, shall cease and determine, and be absolutely void, to all Intents and Purposes, and all Powers and Authorities, by any Act or Acts of Parliament granted to, or vested in the said Court of the Recorder of *Madras*, at the said Settlement, shall cease and determine, and be no longer exercised by the said Court; but the same shall and may be exercised by the said Supreme Court of Judicature at *Madras*, in the Manner and to the Extent herein directed.

After publishing of this Charter other Courts to cease.

Matters depending in the Recorder's Court transferred to the new Court.

PROVIDED always, That no Judgment or Decree, or Decretal, or other Order, Rule, or Act of the said Court of the Recorder of *Madras*, legally pronounced, given, had, or done, in any of the Jurisdictions, civil, criminal or ecclesiastical, given to the said Court of the Recorder at *Madras*, before such Publication and Proclamation, as aforesaid, of the said new Court, hereby established, shall be hereby avoided, but shall remain in full Force and Virtue as if these Presents had not been made; nor shall any Indictment, Information, Action, Suit, Cause, or Proceeding, depending in the said Court of the Recorder of *Madras*, whether originally instituted in such Court in any Branch of its Jurisdiction, or transferred from any other Court or Courts of Judicature, shall be abated, discontinued, or annulled, but the same shall be transferred in their then present Condition, respectively, to, and subsist and depend in the said Court hereby established, according to the several Jurisdictions hereby given to such Court, severally and respectively, to all Intents and Purposes, as if they had been respectively commenced, brought, found, presented, or recorded in the said Court hereby established. And We do hereby authorize and empower the said Court, hereby established, to proceed accordingly, in all such Indictments, Informations, Actions, Suits, Causes, and Proceedings, to Judgment and Execution, and to make such Rules and Orders respecting the same, and also respecting any Sum or Sums of Money belonging to the Suitors of the said Court of the Recorder of *Madras*, or of any of the Courts the Jurisdictions whereof were transferred to the said Court of the Recorder of *Madras*, as the said Court of the Recorder of *Madras* might have made, or as the said Court hereby established is hereby empowered to make, in Causes, Suits, or Proceedings, commenced or depending before the said Court, hereby established: for which purpose it is Our further Will and Pleasure That all the Records, Muniments, and Proceedings, whatever, of or belonging to the said Court of the Recorder of *Madras*, or which ought to be deposited with such Court, shall be delivered and deposited, and preserved amongst the Records of the said Supreme Court of Judicature at *Madras*, hereby established. And it is Our further Will and Pleasure, and We do hereby authorize and empower the said Supreme Court of Judicature at *Madras* (respect being had to the Seasons of the Year and the Convenience of the Suitors) to settle and appoint proper Terms and Law Days, and Days for Sittings after Term, if necessary, and to change and vary such Appointments as Occasion shall require, and to proclaim, hold, and adjourn the Sessions of Oyer and Terminer and Gaol Delivery, and Admiralty Sessions, as to them severally shall seem most expedient.

And all the Records to be preserved by the new Court.

Court to settle proper Terms, &c.

The Sessions of Oyer and Terminer to be held Four Times a Year at the least.

PROVIDED nevertheless, That the said Court shall, and is hereby required, in each Year to hold at the least Four Sessions of Oyer and Terminer and Gaol Delivery, within and for its Limits, and more, if the same shall be found necessary for the Convenience of the said Settlement of *Madras*, and the Ends of Public Justice.

Rules to be transmitted to the President of the Board of Commissioners for the Affairs of *India*.

PROVIDED also, and it is Our further Will and Pleasure, and We do hereby require and enjoin the said Court, as soon as any Rules shall have been made for the Appointment of Terms, or Law Days, or for the Variation of such Appointment, by the First convenient Opportunity after making or varying the same, to transmit a Copy thereof, under the Hands and Seals of the Judges of the said Court, to the President of the *Board of Commissioners for the Affairs of India*, to be laid before Us, Our Heirs, or Successors, for Our

and Their Royal Approbation and Correction. And We ordain and direct, That such Appointments shall be kept and observed, until the same shall be altered by Us, Our Heirs, or Successors, and then with such Variation or Alteration, as We, Our Heirs, or Successors, shall cause to be made therein. Provided also, and We do hereby further will and ordain, That, after the said Terms and Law Days shall once have been fixed by the said Supreme Court of Judicature at *Madras*, no Variation to be made therein by the said Court shall take Effect, until such Variation shall have been approved and confirmed by Us, Our Heirs, or Successors.

Goods of Persons exempted from Arrest may be sequestered in Cases where a Capias is given against other Persons.

PROVIDED always, and We do hereby direct and declare, That in all Cases in which the Person or Persons of the Governor-General of *Fort William*, the Governor or President of *Fort St. George*, or any of the Counsellors of the said Presidency, or the Chief Justice, or any of the Puisne Justices, of the said Supreme Court of Judicature at *Madras*, is and are hereby declared not to be subject or liable to be arrested or imprisoned, as aforesaid, and wherein a Capias or Process for arresting the Body is hereby given and provided against other Persons, it shall and may be lawful for the said Courts, hereby established, respectively, to order the Goods and Estates of such Persons, so exempted from Arrest and Imprisonment, as aforesaid, to be seized and sequestered, or sold, if need be, until he or they, respectively, shall appear and yield Obedience to the Judgment, Decree, or Decretal or other Order or Rule of the said Court.

How Offences committed by the Judges are to be tried.

PROVIDED always, and We do hereby direct and declare, That all Offences committed by, or charged upon, the said Chief Justice, or any of the Puisne Justices, of the said Supreme Court of Judicature at *Madras*, respectively, shall be heard, tried, and determined, in the same Manner as if the same were committed by, or charged upon, any of the Judges of the Supreme Court of Judicature at *Calcutta*.

General Clause as to Powers of the new Courts to try all Causes which may now be tried at *Fort St. George*.

AND it is Our further Will and Pleasure, and We do hereby grant and declare, That the said Supreme Court of Judicature at *Madras* shall have full Power and Authority to hear, try, and determine, all and all Manner of Suits and Actions, either Civil or Criminal, which by the Authority of any Act or Acts of Parliament, or under the Authority of Our said Letters Patent of the Thirty-eighth Year of Our Reign, may now be tried or determined by the said Court of the Recorder of *Madras;* and that all Powers, Authorities, and Jurisdictions, of what Kind or Nature soever, which by any Act or Acts of Parliament, or by the said Letters Patent, may be or are directed to be exercised by the said Court of the Recorder of *Madras*, shall and may be as fully and effectually exercised by the said Supreme Court of Judicature at *Madras*, as the same might have been exercised and enjoyed by the said Court of the Recorder of *Madras*.

Grant of Fines to the *East-India Company*.

AND furthermore, We, of Our further especial Grace, certain Knowledge, and mere Motion, have given and granted, and by these Presents, for Us, Our Heirs, and Successors, do give, grant, and confirm, unto the said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, all such Fines, Amerciaments, Forfeitures, Penalties, or Parts of Penalties, and Sums of Money, whatsoever, as have heretofore been ordered, charged, adjudged, set, imposed, or awarded, upon or against any Person or Persons whomsoever, in or by any Court of Justice or Person at *Madras*, having

lawful Authority to order, charge, adjudge, set, impose, or award the same; and all such Fines, Amerciaments, Forfeitures, Penalties, or Parts of Penalties, and Sums of Money, which hereafter, during all the Residue of the Term of the Continuance of the said *United Company's* exclusive Trade, shall be ordered, adjudged, set, imposed, or awarded, upon or against any Person or Persons whatsoever, in or by the said Court hereby established, or by any Court of Oyer and Terminer and Gaol Delivery, or General Court of Quarter Sessions, or by any of the Justices of the Peace, Commissioners of Oyer and Terminer or Gaol Delivery for the said Presidency of *Madras*, or any of them, or by any Person or Persons there, having lawful Authority to order, charge, adjudge, set, impose, or award the same, for or by Reason of any Offences, Misdemeanors, Defaults, Contempts, Neglects, or Forfeitures, whatsoever, to have, hold, receive, levy, sue for, recover, and enjoy the same, to the said *United Company* and their Successors, for ever, in as large and ample Manner, to all Intents and Purposes, as We, Our Heirs, or Successors, could or might have had, held, received, levied, sued for, recovered, and enjoyed the same, if these Presents had not been made, without any Account, or other Matter or Thing to be rendered or paid for the same, unto Us, Our Heirs, or Successors; subject, nevertheless, to the several Powers and Authorities by these Our Letters granted to, or vested in, the said Court, hereby established, to discharge, mitigate, or set over, any of such Fines, Amerciaments, Forfeitures, Penalties, or Sums of Money, respectively, according to the true Intent and Meaning hereof.

Power for the Courts to make Satisfaction to Prosecutors out of Fines.

Provided always, nevertheless, That it shall and may be lawful, and We hereby authorize and empower the said Supreme Court of Judicature at *Madras* to make such Satisfaction to Prosecutors of Informations or Indictments, as to the said Court shall seem reasonable and fit, out of any Fine or Fines to be set or imposed upon any Person or Persons who shall be convicted upon such Proceedings, respectively, and to order and direct such Satisfaction to be paid accordingly, as hereinafter directed.

Power given to the *East-India Company* to recover the Fines.

And We do hereby, for Us, Our Heirs, and Successors, give and grant unto the said *Company*, full Power and Authority to sue for, recover, and levy, all and every the said Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, by any Action or Actions of Debt to be brought in the said Court, hereby established, or by such other Suits, Actions, Ways, Means, and Proceedings, as may be lawfully had and prosecuted in the said Court, in their Corporate Name, or by any other lawful Ways or Means, either in the Name of Us, Our Heirs, or Successors, or of the said *United Company of Merchants of England, Trading to the East-Indies*, or their Successors; and to collect, take, seize, and levy the said Fine, Amerciaments, Forfeitures, Penalties, and Sums of Money, in and by these Presents granted, or mentioned to be granted, from Time to Time, by the proper Officers and Ministers of the said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, to the only proper Use and Behoof of them and their Successors, without any Writ, Warrant, or other Process of the Exchequer, of Us, Our Heirs, and Successors, or any other Court or Courts, whatsoever and wheresoever to be had and obtained in that Behalf, any Usage or Custom to the contrary thereof, in anywise, notwithstanding: subject, nevertheless, to such Orders as the said Court, hereby established, shall respectively make, in Favor of Prosecutors, as herein-before directed.

And We do hereby, for Us, Our Heirs, and Successors, direct, authorize, and command, the Chief Justice, and other Justices, of the said Court hereby established at *Madras*, and all Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, now and for the Time being, all Sheriffs, and other Officers and Ministers, and others therein concerned, respectively, by Virtue of these Our Letters Patent, to cause to be paid over to the said *United Company of Merchants of England, Trading to the East-Indies*, and their Successors, from Time to Time, all such Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, as shall be set or imposed upon, or be forfeited, or accrued due, by or from any Person or Persons, as aforesaid; and the same shall be paid or satisfied by such Person or Persons accordingly, or otherwise shall and may be recovered and levied, by any of the Ways and Means before-mentioned: subject, nevertheless, to such Orders as shall be made for the Satisfaction of Prosecutors, as herein-before directed. And We do by these Presents, for Us, Our Heirs, and Successors, declare and grant, That such Payments, so to be made, shall be as full and sufficient a Discharge, to all Intents and Purposes, to the said Chief Justice, and other Justices of the said Supreme Court of Judicature at *Madras*, Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, and the said respective Officers and Ministers, and all and every other Person and Persons, as if such Payments had been made to Us, Our Heirs, and Successors, at the Receipt of Our or Their Exchequer.

Provision for Recovery of Fines.

And to the Intent that the Ends of Justice may not be frustrated or delayed, by the Want of a due Remedy to enforce the Payment of the said Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, We hereby will and direct, That the Commissioners of the said Court of Oyer and Terminer and Gaol Delivery, and the Justices of the Peace in their Courts of Quarter Sessions shall, by themselves, or by the proper Officers of the said Court, in every Term next after the holding of the said Courts respectively, deliver into the said Court hereby established, upon Oath, an estreat Roll of all Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, which shall have been set, imposed, lost, or forfeited, by any Person or Persons whatsoever, at or by or before the said Courts, or any of them, or by or before any of the said Commissioners or Justices of the Peace, during the Time of the holding any of the said Courts of Oyer and Terminer and Gaol Delivery, or Quarter Sessions, at any Period subsequent to the Time when the next preceding Courts aforesaid were last holden, respectively. And that it shall and may be lawful for the said Court, hereby established, to award and issue such Process against the Persons liable to the Payment thereof, in Order to the Recovery of the same, in Aid and for the Use of the said *Company*, or otherwise, according to the Circumstances of the Case, to discharge or mitigate the same, as Our Court of Exchequer in *England*, or the Chancellor and Barons thereof, may or can lawfully do, upon Estreats of the Green-Wax in *England*; with Power also to the said Court, hereby established, by any Rule or Order, to cause a Share or Proportion of any Fine imposed on any Person or Persons, for any Delinquency or Misdemeanor prosecuted to Judgment, to be paid over to the Prosecutor, towards defraying his Expences occasioned thereby, as such Court shall, in its Discretion, think fit or expedient.

All the King's Subjects to be aiding and assisting.

And We do further hereby strictly charge and command all Governors

and Commanders, Magistrates and Ministers, Civil and Military, and all other Our faithful and liege Subjects whatsoever, in and throughout the *British* Territories and Possessions in the *East-Indies*, and the Countries, Territories, Districts, and Places which now are, or shall be hereafter, dependent thereon, or subject or subordinate to the *British* Government there, that in the Execution of the several Powers, Jurisdictions, and Authorities hereby granted, made, given, or created, they be aiding, assisting, and obedient, in all Things, as they will answer the contrary at their Peril.

IN WITNESS whereof, We have caused these Our Letters to be made Patent. Witness Ourself, at *Westminster*, this Twenty-sixth Day of *December*, in the Forty-first Year of Our Reign.

WILMOT.

PROCLAMATION ESTABLISHING COURT OF COMMISSIONERS FOR THE RECOVERY OF SMALL DEBTS,

Bearing Date the Twenty-ninth Day of *December* One Thousand Eight Hundred and One.

Recital of Act 39 & 40 Geo. III., c. 79, s. 17.

WHEREAS by an Act passed in the Thirty-ninth and Fortieth Years of His Majesty's Reign, entituled "An Act for establishing further Regulations for the Government of the *British* Territories in *India*, and the better Administration of Justice within the same" it was, among other Things, enacted "That it should and might be lawful to, and for the Governor in Council of *Fort St. George* to order and appoint in what Manner the Court of Requests for the Recovery of small Debts at *Fort St. George* should in future be formed, and to what Amount in Value, not exceeding the Sum of Four Hundred Sicca Rupees, the Jurisdiction of the same should extend, and to frame and make such new Rules and Orders, and to establish and declare such new Modes and Forms of Proceedings as to them should appear necessary and expedient for new modelling, altering and reforming the Constitution and Practice of the said Court; and by their Proclamation to be made and published in due Form of Law to declare and notify to all Persons concerned such new Constitution, Rules, Orders, Modes, and Forms of Proceeding, and the Time from whence they were to have Force and Effect; and from and after such Time as should be so notified for that Purpose the said Court of Requests, as well as the Rules, Orders, Modes and Forms of Proceeding used and observed therein should be abolished and cease, and that thenceforth the new Court Rules, Orders, Modes, and Forms of Proceeding which the said Governor in Council were authorized and empowered under and by virtue of the said Act to make and publish, should be in full force and effect."

Establishment of New Court.

AND WHEREAS We the Governor in Council of *Fort St. George* have taken the same into Our due Consideration, and being desirous of carrying the Intentions of the Legislature into Effect, We do, in pursuance of the Power and Authority vested in Us by the said Act, by this Our Proclamation order and direct That, from and after the First Day of *January* One Thousand Eight Hundred and Two, the Court of Requests for the Recovery of small Debts in and for the Settlement of *Fort St. George*, and all Powers and Authorities held by or exercised under it, shall cease and determine and be of non avail, and in Lieu and Stead thereof We do hereby appoint and establish that immediately on the Ceasing and Determination of the said Court of Requests there shall be, and be held, a new Court for the Recovery of small Debts within the Limits of *Fort St. George*, with full Power and Authority to hold and exercise all and all Manner of Jurisdiction which now is, or which may by law be, held by the said Court of Requests, together with such other Jurisdiction, Power and Authority as in this Our Proclamation shall be expressed and declared. And We do further establish and appoint that the said Court shall be composed of Three Commissioners being *British* Subjects resident within the said limits of *Fort St. George*, and shall be named and called "The Court

of Commissioners for the Recovery of small Debts," and that the Powers, Authorities and Jurisdictions hereinbefore or hereinafter expressed and declared, shall be held and exercised by the said Three Commissioners, or any Two of them; provided that in case there shall be only Two of such Commissioners present, and they shall be divided in their Opinions, the First Commissioner, if present, shall have a Double or Casting Voice, and if the First Commissioner shall be absent, the Matter shall abide the future Judgment of the Court. And We do hereby will and appoint that *Walter Grant*, *Richard Yeldham* and *Luke Hautville Sterling* being *British* Subjects resident within the Limits of *Fort St. George*, shall be the First Commissioners, and That they, or any Two of them as aforesaid, shall hold and exercise all the Powers and Authorities hereby granted to the Court of Commissioners for the Recovery of small Debts during Our Pleasure, and shall hold and enjoy such Salaries and Emoluments as We have directed by Our Order in Council of this Date; and that each and every of them the said Commissioners shall, before he takes upon himself the Execution of his Office, take the Oath of Allegiance to His Majesty and an Oath for the faithful Discharge of his Duty before the Chief Justice, or One of the Justices of His Majesty's Supreme Court of Judicature at *Fort St. George*.

Jurisdiction to extend to Pagodas 120.

AND WHEREAS by the said Act full Power and Authority is given to Us to order and direct to what Amount in Value not exceeding Four Hundred Sicca Rupees the Jurisdiction of the said Court shall extend. Now We, having maturely considered the same, do hereby order and direct that the Jurisdiction of the said Court and the Commissioners thereof (subject to the Proviso hereinafter contained) shall extend to the Sum of One Hundred and Twenty Pagodas and no more, and that the said Court shall have full Power and Authority (subject as aforesaid) to hear and determine all and all Manner of Debts and Demands so as they do not exceed the said Sum of One Hundred and Twenty Pagodas, and shall issue Process to compel the Appearance of Parties and Witnesses, and shall proceed to give such final Sentence or Judgment, or to make such Interlocutory or final Orders and Decrees touching such Debts and demands, and the Costs of Suit, as to them shall appear agreeable to Justice, Equity, and good Conscience. And We do hereby order, direct and appoint, that, for the Ease and Convenience of Defendants, the said Court shall have power to order and direct Debts to be paid by Instalments, and to give Time and Day of Payment where they shall be satisfied of the Inability of the Defendant to make immediate Payment; and that in like Manner on due Proof being made to the Satisfaction of the said Court that any Defendant is from Sickness or Poverty, or otherwise, rendered incapable of paying the Debt or Demand for which any Cause shall have been instituted, it shall and may be lawful for the said Court to suspend or supersede the Proceedings in such Cause until it shall be made appear to the Court that the Defendant shall be able to pay such Debt in the Whole or by separate Instalments.

Execution.

AND We further order, direct and appoint that the said Court, shall have full Power to award and direct Execution against the Body or Goods of the Party or Parties against whom any Judgment, Decree or Order shall be made or given. And the Bailiffs, Serjeants, and Peons of the said Court are hereby required and empowered by Virtue of any Execution against the Body of such Party to apprehend and take, or cause to be apprehended and taken, such Party and to convey him or her to Gaol, there to remain until he or she

shall perform such Order or Decree so as no Person shall remain in Confinement on any such Execution for any longer Time than the following Periods, according to the Amount or Sum for the Payment of which such Execution shall issue; that is to say,—

For any Sum not exceeding 5 Pagodas	...	...	30 Days.
,, above 5 Pagodas and not exceeding	10	...	60 ,,
,, ,, 10 ,, ,, ,,	15	...	75 ,,
,, ,, 15 ,, ,, ,,	20	...	100 ,,
,, ,, 20 ,, ,, ,,	25	...	120 ,,

And for any Sum above 25 Pagodas, such Time as the Court shall think reasonable on Consideration of the Circumstances of the Case, not exceeding in the whole Two Years, and such Imprisonment shall be deemed to be a full Discharge and Extinguishment of the said Debt and Costs. And in regard to the Execution against the Goods of the Party which the said Court is hereby empowered to issue, the Serjeants, Bailiffs, and Peons of the said Court are hereby required and directed to levy the Amount for which such Execution shall issue by Seizure and Distress of the Goods and Effects of such Party, and to keep the same in safe Custody until the Return of such Execution, when they shall report to the said Court what they shall have done thereupon, and the said Court are hereby empowered to cause the Goods and Effects so seized to be sold for the Purpose of satisfying the Sum or Sums of Money and Costs for which such Execution shall have issued. And We do hereby direct that the Register of the said Court shall Indorse on every Execution which shall be issued from this Court the exact Amount, including the Costs and the Fee allowed to the Bailiff, Officer or Peon, who shall have Execution of the Process. And We do hereby direct that no farther or other Sum shall be received or demandable from such Party than what shall be so indorsed on such Execution, and that on Tender or Payment of that Amount to the Register of the Court before the Body of any Party shall be actually taken and in custody, or before his or her Goods shall have been sold, such execution shall be immediately superseded.

Allowance to Prisoners.

And We order and direct that, whenever any Person shall be committed to Prison by Virtue of any Execution or Process from the said Court for the Recovery of any Debt or Costs, the Person or Persons at whose Suit such Execution or Process shall issue shall pay and allow to the Person committed such Allowance not exceeding Two Fanams per Day as the said Court shall direct for every Day that he or she may continue in Prison on such Execution or Process towards his or her Subsistence, the same to be paid to the Gaoler, or left at his House for the Use of the Person so committed, on Monday in every Week. And in case Default be made in Payment of such Allowance, and the Person at whose Suit such Person shall be committed shall not within Three Days after Notice, pay or cause to be paid, such Allowance, it shall be lawful for the said Court on due Proof of such Default and Notice to order and direct such Prisoner to be set at Liberty, and such Person shall thereby be discharged from the Payment of the Money for which he or she shall have been so committed.

Contempt of Court.

And for the better Inforcing the Orders and Decrees of the said Court, and the preventing Insult and Abuse in the said Court, We do hereby declare that if any Person or Persons shall affront, insult or abuse the said Commis-

sioners, or either of them, or the said Register, or any of their Officers or Servants in the said Court, or in the Execution of their respective Offices, or shall interrupt or disturb the Proceedings of the said Court, or shall obstruct, interrupt, hinder or prevent the Execution of its Process, it shall and may be lawful for the said Commissioners, or any of them, to issue a Warrant under their, or either of their, hands to apprehend and bring such Person and Persons before them on the next Court Day, and on the Offence being proved the said Court is hereby empowered to impose any Fine not exceeding Twenty Pagodas on the Person so offending; and if the Person who shall have committed such Offence shall not pay such Fine, it shall be lawful for the said Court to commit such Offender to Gaol, there to remain for any Time not exceeding One Calendar Month or until he shall have paid such Fine.

Offence of servants.

AND to prevent Abuses by Bailiffs, Peons, Taliars or other Servants of the said Court, We do hereby authorize and direct the said Court That if any Bailiff, Peon, Taliar or other Servant of the said Court shall demand, take or receive any greater Fee or Reward than he shall be entitled to under the Rules of the said Court, or shall receive Money from any Defendant for Indulgence or Forbearance, and being thereof convicted to the Satisfaction of the said Court, such Offender shall for every such Offence forfeit and pay such Fine not exceeding Twenty Pagodas as the said Court shall direct and impose, which if not paid on Demand shall be levied or recovered in like Manner as any Debt and Costs may be levied and recovered under this Proclamation, and shall, if the Court shall think, fit be dismissed from his Office.

Fees.

AND We order and direct that, from and after the said First Day of *January* One Thousand Eight Hundred and Two, all and all Manner of Fees now paid by the Suitors of the Court of Requests shall cease and determine, and in lieu thereof there shall be received and taken the Fees and Payments set forth in the Schedule hereunto annexed, and no more, and the said Fees shall be received and taken by the Register of the said Court of Commissioners, who shall regularly Account for the Whole thereof, except only such Fees as are payable to the Bailiffs or Peons for serving or executing the Process of the Court, or such Fees as are payable to the said Register for reducing into Writing the Examination of the Parties and the Depositions of the Witnesses as herein-after is provided; and That the said Account shall be laid before the Commissioners once in every Week, who shall examine and sign the same, and the Amount so received shall, upon the First Monday of every Month, be paid over to the Sub-Treasurer of the Honorable Company's Treasury, and at the same Time an Account of the Amount of the same shall be certified to the Sub-Treasurer signed by the Chief Commissioner, and shall form a Fund as far as the same will extend for defraying the Salaries directed to be paid to the Commissioners, and such other Purposes relating to the said Court as We shall direct.

Proceedings.

AND We do hereby order and direct, that all Summonses and other Process issued by the said Court shall be signed by One of the Commissioners thereof, and shall be made returnable at a Day certain not exceeding One Month from the Date of Issuing of the same, upon which Day the Defendant is to appear and the Cause to be proceeded in by Examination of Parties and Evidence in the same Manner as such Causes are directed to be proceeded in by the instructions sent by the Honorable the Court of Directors for regulating the Proceedings in the Court of Requests in the Year One Thousand

Seven Hundred and Fifty-three, excepting in so far as the said Instructions are altered or new modelled by this Proclamation, or by the Rules for the Regulation of the said Court this Day approved by Us for its future Government, or so far as they may hereafter be altered by any Rules or Orders which it may be found expedient to make for regulating the Proceedings of the said Court; provided always, that such Rules or Orders be not inconsistent with or repugnant to this Our Proclamation. And to prevent delay to Plaintiffs and Defendants, We do order that Summonses be made returnable (if required) upon a Day to be named therein, and that the Causes be then tried if the Parties be present, or if not then present that the Court shall proceed, with as much expedition as by the said Rules may be, to compel the Appearance of the Defendant and to give Judgment in such Causes. And We hereby order that a List shall be kept of all Summonses issued, and that the Causes shall be called on for Trial in the Order they stand in the said List, and such as cannot be heard on the Day of the Return shall be heard on any Day between that and the succeeding Return Day, so that if it be possible the List of the preceding Day do not interfere with that of the succeeding.

Books to be kept.

We further order and direct that the Books directed to be kept by the aforesaid Instructions from the Court of Directors shall in future be regularly kept, and the same shall be publicly inspected in Court once in every Week. To ensure the Observance of these Rules, it is ordered, that the Senior Commissioners shall once in every Term lay an Abstract of the said Books, and of the Receipts and Payments, and of the Amount of Fees received under different Heads before the Supreme Court of Judicature, and once in every Year shall lay the same before the Governor in Council.

Register and Establishment.

We hereby appoint *Richard Clark* to be Register of the said Court during Our Pleasure, and declare that he and his Successors in Office shall be entitled to receive such Salary as We have by Our Order in Council of this Date directed to be paid an allowed to the Register of the said Court, and no other Perquisite or Emolument whatsoever. We further give and grant Power and Authority to the said Commissioners as aforesaid to take into their Consideration the present State of the Establishment of inferior Officers and Servants attached to the Court of Requests, and do hereby order and direct them to report to Us within Sixty Days from the Date of this Our Proclamation to what Number of inferior Officers and Servants, and to what Amount the Salaries of such of Our Officers and Servants, it will in their Judgment be requisite to encrease the said Establishment in the said Court of Commissioners for the Recovery of small Debts, to the End that We may issue such Orders thereon as to Us shall seem meet.

Cases pending in Court of Requests.

We further order and direct that upon Thursday the Seventh Day of *January*, or so soon afterwards as the said Court shall meet for the Despatch of Business, the Clerk of the Court of Requests shall in open Court hand over and deliver to the Commissioners hereby appointed all Papers, Records, and Muniments now belonging to the said Court of Requests or appertaining or relating thereto, and the said Commissioners shall, and We do hereby give and grant to them, full Power and Authority to proceed in, hear and determine all and all Manner of Actions, Suits, and Controversies which now are or which then may be depending and undetermined in the same Manner as the same might have been heard and determined by the said Court of Requests;

Proviso for Examinations and Depositions being reduced into Writing.

provided nevertheless that in all Suits where the amount sought to be recovered shall exceed the Sum of Twenty-five Pagodas, the Examinations of the Parties, and the Depositions of the Witnesses on the one Side and on the other, shall, at the Prayer of the Plaintiff or Defendant, be reduced into Writing by the said Register and be subscribed by the said Parties and Witnesses and filed in the said Court, the Party praying the same paying to the Register the Fee allowed therefor in the said Schedule, yet so as the said Fee shall not be charged or chargeable in Costs against the adverse Party.

LASTLY, We do order that this Our Proclamation be published as the Law directs.

DATED at *Fort St. George*, the Twenty-ninth Day of *December*, One Thousand Eight Hundred and One.

By order of the Right Honorable the Governor in Council.

JOHN CHAMIER,

Chief Secretary to Government.

SCHEDULE.

Sums sued for.	Entering Complaint and granting Summons.	Every Witness examined.	Every Subpœna issued.	Hearing the Cause and Final Decree 10 per Cent.
	P. F. C.	P. F. C.	P. F. C.	P. F. C.
Inclusive 5	0 8 0	0 4 0	0 2 0	0 22 0
5 to 10	0 16 0	0 8 0	0 4 0	1 0 0
10 to 15	0 24 0	0 12 0	0 6 0	1 22 0
15 to 20	0 32 0	0 16 0	0 8 0	2 0 0
20 to 25	0 40 0	0 20 0	0 10 0	2 22 0
30 to 35	1 12 0	0 28 0	0 14 0	3 0 0
35 to 40	1 20 0	0 32 0	0 16 0	4 0 0
40 to 45	1 28 0	0 36 0	0 18 0	4 22 0
45 to 50	1 36 0	0 40 0	0 20 0	5 0 0
50 to 55	2 0 0	1 0 0	0 22 0	5 22 0
55 to 60	2 8 0	1 4 0	0 24 0	6 0 0
60 to 65	2 16 0	1 8 0	0 26 0	6 22 0
65 to 70	2 24 0	1 12 0	0 28 0	7 0 0
70 to 75	2 32 0	1 16 0	0 30 0	7 22 0
75 to 80	2 40 0	1 20 0	0 32 0	8 0 0
80 to 85	3 4 0	1 24 0	0 34 0	8 22 0
85 to 90	3 12 0	1 28 0	0 36 0	9 0 0
90 to 95	3 20 0	1 32 0	0 38 0	9 22 0
95 to 100	0 28 0	1 0 0	0 40 0	10 0 0
100 to 105	3 36 0	1 40 0	0 42 0	10 22 0
105 to 110	4 0 0	2 0 0	1 0 0	11 0 0
110 to 115	4 8 0	2 4 0	1 2 0	11 22 0
115 to 120	4 16 0	2 8 0	1 4 0	12 0 0

A Second Summons to be the same as a First.

An Attachment, Two Fanams more than the First.

An Execution, the Half of a Summons.

To the Bailiffs, Peons, &c. for executing every Writ or Process of the Court, Two Fanams.

To the Register for every Examination or Depositions reduced into Writing, and for filing the same, Twenty-five Fanams.

LETTERS PATENT appointing the CHIEF JUSTICE of MADRAS for the Time being to be JUDGE of the VICE-ADMIRALTY COURT at MADRAS,

Bearing Date the Twenty-first day of *January*, in the Forty-eighth Year of the Reign of *GEORGE* III., *Anno Domini*, One Thousand Eight Hundred and Eight.

GEORGE the Third, by the Grace of God, of the United Kingdom of *Great-Britain* and *Ireland*, King, Defender of the Faith. To Our beloved The Right Honorable Sir *Thomas Andrew Strange*, or the Chief Justice of *Madras* for the Time being, or the Person executing the Duties of such Office, Greeting: We do by these Presents make, ordain, nominate and appoint you the said Sir *Thomas Andrew Strange*, or the Chief Justice of *Madras* for the Time being, or the Person executing the Duties of such Office, to be Our Commissary in Our Vice-Admiralty Court of *Madras* and Territories thereunto belonging, hereby granting unto you full Power to take cognizance of and proceed in all Causes, Civil and Maritime, and in Complaints, Contracts, Offences or suspected Offences, and Crimes, Pleas, Debts, Exchanges, Policies of Assurance, Accounts, Charter Parties, Agreements, Bills of Lading of Ships, and all Matters and Contracts which in any Manner whatsoever relate to Freight due for Ships hired and let out, Transport Money, or Maritime Usury otherwise Bottomry, or which do any Ways concern Suits, Trespasses, Injuries, Extortions, Demands, and Affairs, Civil and Maritime whatsoever, between Merchants, or between Owners and Proprietors of Ships and all other Vessels whatsoever had, made, done, or contracted for any Matter, Cause or Thing, Business or Injury whatsoever done, or to be done, as well in, upon, or by the Sea or public Streams, Fresh Waters, Ports, Rivers, Creeks and Places overflowed whatsoever within the Ebbing and Flowing of the Sea or High-Water Mark as upon any of the Shores or Banks adjoining to them, or either of them, together with all and singular their Incidents, Emergents, Dependencies, and annexed and connexed Causes whatsoever, and such Causes, Complaints, Contracts, and other the Premises abovesaid, or any of them, howsoever the same may happen to arise, be contracted, had or done, to hear and determine according to the Civil and Maritime Laws and Customs of Our High Court of Admiralty of *England* in *Madras* aforesaid and Territories thereunto belonging whatsoever. And also with Power to sit and hold Courts in any Cities, Towns, and Places in *Madras* aforesaid for hearing and determining all such Causes and Premises, together with all and singular their Incidents, Emergencies and Dependencies, annexed and connexed Causes whatsoever, and to proceed judicially and according to Law in administering Justice therein: And moreover to compel Witnesses in case they withdraw themselves for Interest, Fear, Favor, Ill-will, or any other Cause whatsoever, to give Evidence to the Truth in all and every the Causes abovementioned according to the Exigence of the Law: And further to take all Manner of Recognizances, Cautions, Obligations and Stipulations as well to Our Use at the Instance of any Parties for Agreements or

Appointment of Commissary.

Courts.

Witnesses.

Recognizances.

Debts, and other Causes and Businesses whatsoever, and to put the same in Execution, and to cause and command them to be executed: Also duly to search and enquire of and concerning all Goods of Traitors, Pirates, Manslayers, Felons, Fugitives and Felons of themselves, and concerning the Bodies of Persons drowned, killed or by any other Means coming to their Death in the Sea, or in any Ports, Rivers, public Streams or Creeks, and Places overflowed, and also concerning *Mayhem* happening in the aforesaid Places, and Engines, Toils and Nets prohibited and unlawful, and the Occupiers thereof: And moreover, concerning Fishes Royal, namely, Whales, Riggs, Grampusses, Dolphins, Sturgeons and all other Fishes whatsoever which are of great or very large Bulk or Fatness, by right or customary Ways belonging to Us, and to the Office of Our High Admiral of *England*: And also of and concerning all Casualties of Sea, Goods Wrecked, Flotzon, Jetson, Lagon, Shares, Things cast overboard and Wreck of the Sea, and all Goods taken or to be taken as Derelict or by Chance found or to be found, and all other Trespasses, Misdemeanors, Offences, Enormities, and Maritime Crimes whatsoever done and committed as well in and upon the High Sea, as all Ports, Rivers, Fresh Waters and Creeks and Shores of the Sea to High-Water Mark from all First Bridges towards the Sea in and throughout *Madras* aforesaid and Maritime Coasts thereunto belonging, howsoever, whensoever, or by what Means soever arising or happening, and all such Things as are discovered and found out; as also all Fines, Mulcts, Amerciaments, and Compositions due, and to be due in that Behalf, to tax, moderate, demand, collect and levy, and cause the same to be demanded, levied and collected, and according to Law to compel and command them to be paid: And also to proceed in all and every the Causes and Businesses above recited, and in all other Contracts, Causes, Contempts and Offences whatsoever, howsoever contracted or arising, so that the Goods or Persons of the Debtors may be found within the Jurisdiction of the Vice-Admiralty in *Madras* aforesaid according to the Civil and Maritime Laws and Customs of Our said High Court of Admiralty of *England* antiently used, and by all other lawful Ways, Means and Methods according to the Best of your Skill and Knowledge, and all such Causes and Contracts to hear, examine, discuss, and finally determine (saving nevertheless the Right of appealing to Our aforesaid High Court of Admiralty of *England*, and the Judge or President of the said Court for the Time being; and saving always the Right of Our said High Court of Admiralty of *England*, and also of the Judge and Registrar of the said Court, from whom or either of them it is not Our Intention in any Thing to derogate by these Presents): And also to arrest, and cause and command to be arrested, all Ships, Persons, Things, Goods, Wares and Merchandizes for the Premises, and every of them, and for other Causes whatsoever concerning the same wheresoever they shall be met with or found within *Madras* aforesaid and the Territories thereof, either within Liberties or without; and to compel all Manner of Persons in that Behalf, as the Case shall require, to appear and to answer, with Power of using any temporal Coercion and of inflicting any other Penalty or Mulct according to the Laws and Customs aforesaid, and to administer Justice according to the right Order and Course of the Law summarily and plainly looking only into the Truth of the Fact: And We empower you in this Behalf to fine, correct, punish, chastise and reform and imprison, and cause and command to be imprisoned, in any Gaol being within *Madras* aforesaid and

Goods of Traitors, &c.

Fishes Royal.

Casualties at Sea.

Maritime Crimes.

Fines.

Procedure.

Appeal.

Arrest of Ships, &c.

Punishment of Violators of the Law.

Maritime Places of the same, the Parties guilty and Violators of the Law and Jurisdiction of Our Admiralty aforesaid, and Usurpers, Delinquents and contumacious Absenters, Masters of Ships, Mariners, Rowers, Fishermen, Shipwrights, and other Workmen and Artificers whomsoever exercising any Kind of Maritime Affairs as well according to the Civil and Maritime Laws and Ordinances and Customs aforesaid, and their Demerits, as according to the Statutes and Ordinances aforesaid and those of Our United Kingdom in that Behalf made and provided; and to deliver and absolutely to discharge, and cause and command to be discharged, whatsoever Persons imprisoned in such Cases who are to be delivered, and to promulge and interpose all Manner of Sentences and Decrees, and to put the same in Execution, with Cognizance and Jurisdictions of whatsoever other Causes, Civil and Maritime, which relate to the Sea or which in any Manner of Ways respect or concern the Sea or Passage over the same, or Naval or Maritime Voyages performed or to be performed, or the Maritime Jurisdiction abovesaid, with Power also to proceed in the same according to the Civil and Maritime Laws and Customs of Our aforesaid Court anciently used as well those of mere Office mixed or promoted, as at the Instance of any Party, as the Case shall require and seem convenient: And We do by these Presents, which are to continue during Our Royal Will and Pleasure only, further give and grant unto you Sir *Thomas Andrew Strange*, Our said Commissary, or the Chief Justice of *Madras* for the Time being, or the Person executing the Duties of such Office, the Power of taking and receiving all and every the Wages, Fees, Profits, Advantages and Commodities whatsoever in any Manner due and antiently belonging to the said Office according to the Customs of Our High Court of Admiralty of *England*, committing unto you Our Power and Authority concerning all and singular the Premises in the several Places above expressed (saving in all Things the Prerogative of Our High Court of Admiralty of *England* aforesaid), together with the Power of deputing and surrogating in your Place for and concerning the Premises One or more Deputy or Deputies as often as you shall think fit. Further We do in Our Name command, and firmly and strictly charge, all and singular Our Governors, Commanders, Justices of the Peace, Mayors, Sheriffs, Marshals, Keepers of all Our Gaols and Prisons, Bailiffs, Constables, and all other Our Officers and Ministers and faithful and liege Subjects in and throughout *Madras* aforesaid and the Territories thereunto belonging, that in the Execution of this Our Commission they be from Time to Time aiding, assisting and yield Obedience in all Things as is fitting to you, or your Deputy whomsoever, under Pain of the Law and the Peril which will fall thereon.

Execution of Sentences and Decrees.

Fees.

Surrogates.

All Persons to aid in Execution of Commission.

GIVEN at *London* in the High Court of Our Admiralty of *England*, under the Great Seal thereof, the Twenty-first Day of *January*, in the Year of Our Lord, One Thousand Eight Hundred and Eight, and of Our Reign the Forty-eighth.

Date.

ARDEN,
Registrar.

LETTERS PATENT appointing Sir EDWARD GAMBIER, and the CHIEF JUSTICE of MADRAS for the Time being, and the Person executing the Duties of such Office, to be JUDGE of the VICE-ADMIRALTY COURT at MADRAS,

Bearing Date the Twenty-first day of *August*, in the Seventh Year of the Reign of *VICTORIA*, *Anno Domini*, One Thousand Eight Hundred and Forty-three.

VICTORIA, by the Grace of God, of the United Kingdom of *Great-Britain* and *Ireland*, Queen, Defender of the Faith. To Our beloved Sir *Edward Gambier*, Knight, and the Chief Justice of *Madras* for the Time being, and the Person executing the Duties of such Office, Greeting: We do by these Presents make, ordain, nominate and appoint you the said Sir *Edward Gambier*, and the Chief Justice of *Madras* for the Time being, and the Person executing the Duties of such Office, to be Our Commissary in the Vice-Admiralty Court at *Madras* and *Territories* thereunto belonging, hereby granting unto you full Power and Authority to take cognizance of and proceed in all Causes, Civil and Maritime, and in Complaints, Contracts, Offences or suspected Offences, Crimes, Pleas, Debts, Exchanges, Policies of Insurance, Accounts, Charter Parties and Agreements, Bills of Lading of Ships, and all Matters and Contracts which in any Manner whatsoever relate to Freights due for Ships hired and let out, Transport Money and Maritime Usury otherwise Bottomry, or which do any Ways concern Suits, Trespasses, Inquiries, Extortions, Demands, and Affairs, Civil and Maritime whatsoever, between Merchants, or between Owners and Proprietors of Ships, and all other Vessels whatsoever, had, made, done or contracted for any Matters, Cause or Thing, Business or Injury whatsoever done, or to be done, as well as in, upon, or by the Sea or public Streams, Fresh Waters, Ports, Rivers, Creeks and Places overflowed whatsoever within the Ebbing and Flowing of the Seas or High-Water Mark, as upon any of the Shores or Banks adjoining to them, or either of them, together with all and singular their Incidents, Emergencies, Dependencies, annexed and connexed Causes whatsoever, and such Causes, Complaints, Contracts, and other the Premises abovesaid, or any of them, howsoever the same may happen to arise, be contracted, had or done, to hear and determine according to the Civil and Maritime Laws and Customs of Our High Court of Admiralty of *England* in *Madras* aforesaid and *Territories* thereunto belonging. And also with Power to sit and hold Courts in any Cities, Towns, and Places in *Madras* aforesaid for hearing and determining of all such Causes and Businesses, together with all and singular their Incidents, Emergencies, Dependencies, annexed and connexed Causes whatsoever, and to proceed judicially and according to Law in administering Justice therein: And moreover to compel Witnesses in case they withdraw themselves for Interest, Fear, Favor or Ill-will, or any other Cause whatsoever, to give Evidence to the Truth in all and every the Causes abovementioned according to the Exigencies of the Law: And further to take all Manner of Recognizances, Cautions, Obligations and Stipulations as well to

Appointment of Commissary.

Courts.

Witnesses.

Recognizances.

the Use as at the Instance of any Parties for Agreements or Debts, and other Causes and Businesses whatsoever, and to put the same in Execution, and to cause and command them to be executed: Also duly to search and enquire of and concerning all Goods of Traitors, Pirates, Manslayers, Fugitives and Felons of themselves, and concerning the Bodies of Persons drowned, killed or by any other Means coming to their Death in the Sea, or in any Ports, Rivers, public Streams or Creeks, and Places overflowed, and also concerning *Mayhem* happening in the aforesaid Places, and Engines, Toils and Nets prohibited and unlawful, and the Occupiers thereof: And moreover, concerning Fishes Royal, namely, Whales, Riggs, Grampusses, Dolphins, Sturgeons and all other Fishes whatsoever which are of a great or very large Bulk or Fatness by right or customary Ways belonging to Us, and to the Office of Our High Admiral of *England:* And also of and concerning all Casualties of Sea, Goods Wrecked, Flotzon, Jetzon, Lagon, Shares, and Treasure, Things cast overboard and Wreck of the Sea, and all Goods taken or to be taken as Derelict or by Chance found or to be found, and all other Trespasses, Misdemeanours, Offences, Enormities, and Maritime Crimes whatsoever done and committed as well in and upon the High Sea, as all Ports, Rivers, Fresh Waters and Creeks and Shores of the Sea to High-Water Mark from all first Bridges towards the Sea in and throughout *Madras* aforesaid and Maritime Coasts thereunto belonging, howsoever, whensoever, or by what Means soever arising or happening, and all such Things as are discovered and found out; as also all Fines, Mulcts, Amerciaments, and Compositions due, and to be due in that Behalf, to tax, moderate, demand, collect and levy, and cause the same to be demanded, levied and collected, and according to the Law to compel and command them to be paid: And also to proceed in all and every the Causes and Business above recited, and in all other Contracts, Causes, Contempts and Offences whatsoever contracted or arising, so that the Goods or Persons of the Debtors may be found within the Jurisdiction of the Vice-Admiralty in *Madras* aforesaid according to the Civil and Maritime Laws and Customs of Our said High Court of Admiralty of *England* anciently used, and by all other Ways, Means and Methods according to the Best of your Skill and Knowledge, and all such Causes and Contracts to hear, examine, discuss, and finally determine (saving nevertheless the Right of appealing to Us in Council, and saving always the Right of Our said High Court of Admiralty of *England*, and also of the Judge and Registrar of the said Court, from whom or either of whom it is not Our Intention in any Thing to derogate by these Presents): And also to arrest, and cause and command to be arrested, all Ships, Persons, Things, Goods, Wares and Merchandize for the Premises, and every of them, and for other Causes whatsoever concerning the same wheresoever the same shall be met with or found in *Madras* aforesaid and the *Territories* thereof, either within Liberties and Franchises or without; and to compel all Manner of Persons in that Behalf, as the Case shall require, to appear and to answer, with Power of using any temporal Coercion and of inflicting any other Penalty or Mulct according to the Laws and Customs aforesaid, and to do and minister Justice according to the right Order and Course of the Law, summarily and plainly, looking only into the Truth of the Facts: And We empower you in this Behalf to fine, correct, punish, chastise and reform, and cause and command to be imprisoned, in any Gaols being within *Madras* aforesaid and Maritime Places of

Goods of Traitors, &c.

Fishes Royal.

Casualties at Sea.

Maritime Crimes.

Fines.

Procedure.

Appeal.

Arrest of Ships, &c.

Punishment of Violators of the Law.

the same, the Parties guilty and Violators of the Law and Jurisdiction of Our Admiralty aforesaid, and Usurpers, Delinquents and contumacious Absenters, Masters of Ships, Mariners, Rowers, Fishermen, Shipwrights, and other Workmen or Artificers whatsoever exercising any Kind of Maritime Affairs as well according to the Civil and Maritime Laws and Ordinances and Customs aforesaid, and their Demerits, as according to the Statutes and Ordinances aforesaid and those of Our United Kingdom of *Great-Britain* and *Ireland* for the Admiralty of Our said United Kingdom made and provided in that Behalf; and to deliver and absolutely discharge, and cause and command to be discharged, whatsoever Persons imprisoned in such Cases who are to be delivered, and to promulge and interpose all Manner of Sentences and Decrees, and to put the same in Execution, with Cognizance and Jurisdiction of whatsoever Causes, Civil and Maritime, which relate to the Sea or which any Manner of Ways respect or concern the Sea or Passage over the same, or Naval or Maritime Voyages performed or to be performed, or the Maritime Jurisdiction abovesaid, with Power also to proceed in the same according to the Civil and Maritime Laws and Customs of Our said Court anciently used as well those of mere Office mixed or promoted, as at the Instance of any Party, as the Case shall require and seem convenient: And We do by these Presents, which are to continue during Our Royal Will and Pleasure only, further give and grant unto you Sir *Edward Gambier*, and the Chief Justice of *Madras* for the Time being, and the Person executing the Duties of such Office, Our said Commissary, the Power of taking and receiving all and every the Wages, Fees, Profits, Advantages and Commodities whatsoever in any Manner due and anciently belonging to the said Office according to the Customs of Our High Court of Admiralty of *England*, committing unto you Our Power and Authority concerning all and singular the Premises in the several Places above expressed (saving in all Things the Prerogative of Our High Court of Admiralty of *England* aforesaid), together with a Power of deputing and surrogating in your Place for and concerning the Premises One or more Deputy or Deputies: Provided always, that the Power of deputing and surrogating One or more Deputy or Deputies in your Place and Stead shall only be exercised on good and sufficient Cause shewn, and that Cause to be approved by the *Governor of Fort St. George* in *Madras*. And further We do in Our Name command, and firmly and strictly charge, all and singular Our Governors, Commanders, Justices of the Peace, Mayors, Sheriffs, Marshals, Keepers of all Our Gaols and Prisons, Constables, and all other Our Officers and Ministers and faithful and liege Subjects in and throughout *Madras* aforesaid and *Territories* thereunto belonging, that in the Execution of this Our Commission they be from Time to Time aiding, assisting and yield Obedience in all Things as is fitting to you, or your Deputy whomsoever, under Pain of the Law and the Peril which will fall thereon.

Execution of Sentences and Decrees.

Fees.

Surrogates.

All Persons to aid in Execution of Commission.

Date.

GIVEN at *London* in the High Court of Our Admiralty of *England*, under the Great Seal thereof, the Twenty-first Day of *August*, in the Year of Our Lord, One Thousand Eight Hundred and Forty-three, and of Our Reign the Seventh.

PROCLAMATION THAT ACT IX OF 1850 IS TO COME INTO FORCE ON THE SIXTH DAY OF DECEMBER 1850,

Bearing Date the Nineteenth day of *November*, One Thousand Eight Hundred and Fifty.

WHEREAS in and by the First and Second Sections of Act No. IX of One Thousand Eight Hundred and Fifty, intituled "An Act for the more easy Recovery of small Debts and Demands in *Calcutta*, *Madras* and *Bombay*," It is enacted, That "the several Courts of Commissioners and of Requests for the Recovery of small Debts now holden in the Towns of *Calcutta*, *Madras* and *Bombay*, under the authority of the Charter of Justice of King *George* the Second, and of Two Acts of Parliament severally passed in the Thirty-seventh Year and Fortieth Year of the Reign of King *George* the Third, and of the Regulations and Proclamations made from Time to Time for constituting and for new-modelling, altering and reforming the Constitution and Practice of the said Courts respectively, and of Act XII of One Thousand Eight Hundred and Forty-eight, shall be holden according to the Provisions of this Act from and after such several Days as shall be declared within the said Towns by Proclamation to be made and published in due Form of Law in each of the said Towns by the Governor in Council;" and That "Where in this Act the Words 'Governor in Council' or 'Supreme Court' are used, they shall be taken to apply severally to the Person or Persons administering the Executive Government and to the Supreme Court established under Royal Charter of each of the Presidencies of *Fort William* in *Bengal*, *Fort St. George*, and *Bombay*, with reference only to the Court holden under this Act in the same Presidency." Recital of Act IX of 1850, ss. 1 and 2.

Now I, the Right Honorable Sir *Henry Pottinger*, Baronet, Knight Grand Cross of the Most Honorable Order of the Bath, Major-General in the Service of the *East-India Company*, Governor of the Presidency of *Fort St. George*, do hereby, in pursuance of the said recited Act, declare and proclaim that from and after the Sixth Day of *December* next, the Court of Commissioners for the Recovery of small Debts now holden in the Town of *Madras* under such Authority as aforesaid shall be holden according to the Provisions of the said Act No. IX of One Thousand Eight Hundred and Fifty. Court to be holden according to Act from 6th December 1850.

WITNESS my Hand, the Nineteenth Day of *November*, One Thousand Eight Hundred and Fifty.

HENRY POTTINGER,

Governor of the Presidency of Fort St. George in Madras.

LETTERS PATENT CONSTITUTING THE HIGH COURT OF JUDICATURE FOR THE PRESIDENCY OF MADRAS,

Bearing Date the Twenty-sixth Day of *June*, in the Twenty-sixth Year of the Reign of *VICTORIA*, in the Year of Our Lord, One Thousand Eight Hundred and Sixty-two.

VICTORIA, by the Grace of GOD, of the United Kingdom of *Great-Britain* and *Ireland*, Queen, Defender of the Faith. To all to whom these Presents shall come, Greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign, entituled "An Act for establishing High Courts of Judicature in *India*," it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at *Madras*, for the Presidency of *Madras* aforesaid, and that such High Court should consist of a Chief Justice and as many Judges not exceeding Fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court, were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court, without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid, the Supreme Court and the Court of Sudder Adawlut and Foujdarry Adawlut at *Madras*, in the said Presidency, should be abolished:

Recitals of Act 24 & 25 Vict., cap. 104, ss. 1, 2, 3 & 8.

And s. 9.

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for, and in relation to, the administration of justice in the said Presidency as Her Majesty might, by such Letters Patent as aforesaid, grant and direct, subject, however, to such directions and limitations, as to the exercise of original Civil and Criminal jurisdiction beyond the limits of the Presidency town, as might be prescribed thereby; and, save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor-General of *India* in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts.

Establishment of High Court at *Madras*.

1. Now know ye that We, upon full consideration of the premises, and of Our especial grace, certain knowledge, and mere motion, have thought fit to erect and establish, and by these presents We do, accordingly, for Us, Our

heirs and successors, erect and establish, at *Madras*, for the Presidency of *Madras* aforesaid, a High Court of Judicature, which shall be called the High Court of Judicature at *Madras*, and We do hereby constitute the said Court to be a Court of Record.

Constitution and First Judges of the High Court.

2. And We do hereby appoint and ordain, that the said High Court of Judicature at *Madras* shall, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and Five Judges, the First Chief Justice being Sir *Colley Harman Scotland*, Knt., and the Five Judges, being Sir *Adam Bittlestone*, Knt., *William Ambrose Morehead*, Esq., *Thomas Lumsden Strange*, Esq., *Henry Dominic Phillips*, Esq., and *Hatley Frere*, Esq., according to the appointments made by the said Act.

Declaration to be made by Judges.

3. And We do hereby ordain that the Chief Justice and every Judge of the said High Court of Judicature at *Madras*, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor in Council may commission to receive it:—

"I, *A. B.*, appointed Chief Justice [*or* a Judge] of the High Court of "Judicature at *Madras*, do solemnly declare that I will faithfully perform the "duties of my office to the best of my ability, knowledge, and judgment."

Seal.

4. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at *Madras* shall have and use, as occasion may require, a Seal bearing a device and impression of Our Royal Arms, within an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at *Madras*." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice under the provisions of section 7 of the recited Act; and We do further grant, ordain and appoint that, whensoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered to demand, seize and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

Writs, &c. to issue in Name of the Crown, and under Seal.

5. And We do hereby further grant, ordain, and appoint that all writs, summonses, precepts, rules, orders, and other mandatory process to be used, issued, or awarded by the said High Court of Judicature at *Madras*, shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

Appointment of Officers.

6. And We do hereby authorize and empower the Chief Justice of the said High Court of Judicature at *Madras* from time to time, as occasion may require, and subject to any rules and restrictions which may be prescribed by the Governor in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor in Council, and shall be either confirmed or disallowed by the

Governor in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from time to time, appoint for each office and place respectively, and as the Governor in Council shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor in Council, and to absent himself from the said limits during the term of such leave, in accordance with the said Rules.

Admission of Advocates, Vakeels, and Attorneys.

Powers of High Court in admitting Advocates, Vakeels, and Attorneys.

7. And We do hereby authorize and empower the said High Court of Judicature at *Madras* to approve, admit, and enrol such and so many Advocates as to the said High Court shall seem meet, who shall be and are hereby authorized to appear and plead for the suitors of the said High Court, subject to the rules and directions of such Court.

8. And We do further authorize and empower the said High Court of Judicature at *Madras* to approve, admit, and enrol such and so many Vakeels as to the said High Court shall seem meet who shall be and are hereby authorized to appear, plead, and act for the suitors of the said High Court, subject to the rules and directions of such Court.

9. And We do further authorize and empower the said High Court of Judicature at *Madras* to approve, admit, and enrol such and so many Attorneys-at-law as to the said High Court shall seem meet who shall be and are hereby authorized to appear and act for the suitors of the said High Court, subject to the rules and directions of such Court.

In making rules for the qualifications, &c. of Advocates, Vakeels, and Attorneys.

10. And We do hereby ordain that the said High Court of Judicature at *Madras*, shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law, and no person whatsoever but such Advocates or Vakeels shall be allowed to plead for, or on behalf of, any suitor in the said High Court; and no person or persons whatever but such Vakeels or Attorneys-at-law shall be allowed to act for any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

Civil Jurisdiction of the High Court.

Local limits of the ordinary original jurisdiction of the High Court.

11. And We do hereby ordain that the said High Court of Judicature at *Madras*, shall have and exercise ordinary original Civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law or regulation made by the Governor in Council, and until some local limits shall be so declared and prescribed, within the limits of the present local

jurisdiction of the said Supreme Court at *Madras*, and the ordinary original Civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original jurisdiction as to suits.

12. And We do further ordain that the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Civil jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immoveable property, such land or property shall be situated, or in all other cases if the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain, within the local limits of the ordinary original jurisdiction of the said High Court, except that it shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at *Madras*, in which the debt or damage, or value of the property sued for does not exceed one hundred rupees.

Extraordinary original Civil jurisdiction.

13. And We do further ordain that the said High Court of Judicature at *Madras* shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Presidency of *Madras*, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction.

14. And We do further ordain that an appeal shall lie to the said High Court of Judicature at *Madras* from the judgment, in all cases of original Civil jurisdiction, of one or more Judges of the said High Court, or of any Division Court, pursuant to section 13 of the said recited Act: Provided always that no such appeal shall lie to the High Court as aforesaid from any such decision made by a majority of the full number of Judges of the said High Court, but that the right of appeal in such case shall be to Us, Our heirs or successors, in Our or their Privy Council, in manner hereinafter provided.

Appeal from Courts in the Provinces.

15. And We do further ordain that the said High Court of Judicature at *Madras*, shall be a Court of Appeal from the Civil Courts of the Presidency of *Madras*, and from all other Courts, whether within or without the said Presidency, from which there is now an appeal to the Court of Sudder Adawlut at *Madras*, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said Court of Sudder Adawlut, by virtue of any laws or regulations now in force, or shall become subject to appeal to the said High Court by virtue of such laws or regulations relating to Civil procedure as shall be hereafter made by the Governor-General in Council.

Jurisdiction as to Infants and Lunatics.

16. And We do further ordain that the said High Court of Judicature at *Madras*, shall have the like power and authority with respect to the persons and estates of infants, idiots, and lunatics, whether within or without the Presidency of *Madras*, as that which is now vested in the said Supreme Court at *Madras*.

Provision with respect to the Insolvent Court.

17. And We do further ordain that the Court for relief of Insolvent Debtors at *Madras* shall be held before one of the Judges of the said High Court of Judicature at *Madras*, and the said High Court, and any such Judge thereof, shall have and exercise, whether within or without the Presidency of *Madras*,

such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to Insolvent Debtors in *India*.

Law to be administered by the High Court of the Presidency of Madras in Civil Cases.

By the High Court in the exercise of ordinary original Civil jurisdiction.

18. We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Civil jurisdiction, such law or equity shall (until otherwise provided) be the law or equity which would have been applied by the said Supreme Court at *Madras* to such case if these Letters Patent had not issued.

In the exercise of extraordinary original Civil jurisdiction.

19. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at *Madras*, in the exercise of its extraordinary original Civil jurisdiction, such law or equity and rule of good conscience shall (until otherwise provided) be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

By the High Court in the exercise of Appellate jurisdiction.

20. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at *Madras*, to each case coming before it in the exercise of its Appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction.

Ordinary original jurisdiction of the High Court.

21. And We do further ordain that the said High Court of Judicature at *Madras* shall have ordinary original Criminal jurisdiction within the local limits of its ordinary original Civil jurisdiction, and in respect of all persons, beyond such limits, over whom the said Supreme Court at *Madras* now has Criminal jurisdiction.

Jurisdiction as to persons.

22. And We do further ordain that the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original Criminal jurisdiction.

23. And We do further ordain that the said High Court of Judicature at *Madras* shall have extraordinary original Criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the Foujdarry Adawlut at *Madras*, whether within or without the Presidency of *Madras*, and shall have authority to try at its discretion any such persons brought before it on charges preferred by the Advocate-General, or by any Magistrate or other officer specially empowered by the Government in that behalf.

No appeal from High Court exercising original jurisdiction.

24. And We do further ordain that there shall be no appeal to the said High Court of Judicature at *Madras* from any sentence or order passed in any Criminal trial before the Courts of original Criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be

at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

Court may reserve points of law.

25. And We do further ordain that, on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate-General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original Criminal jurisdiction, or that a point or points of law which has or have been decided by the said Court should be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

High Court to review on certificate of the Advocate-General.

26. And We do further ordain that the said High Court of Judicature at *Madras* shall be a Court of appeal from the Criminal Courts of the Presidency of *Madras*, and from all other Courts, whether within or without the said Presidency, from which there is now an appeal to the Court of Foujdarry Adawlut at *Madras*, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said Court of Foujdarry Adawlut, by virtue of any laws or regulations now in force, or shall become subject to appeal to the said High Court by virtue of such laws or regulations relating to Criminal procedure as shall be hereafter made by the Governor-General in Council.

Appeals from Criminal Courts in the Provinces.

27. And We do further ordain that the said High Court of Judicature at *Madras* shall be a Court of reference and revision from the Criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers authorized to refer cases to the Foujdarry Adawlut, and to revise all such cases tried by any officer or Court possessing Criminal jurisdiction, as are now subject to reference to, or revision by, the said Court of Foujdarry Adawlut, whether within or without the Presidency of *Madras*, or shall become subject to such reference to, or revision by, the said High Court by virtue of such laws or regulations relating to Criminal procedure as shall be hereafter made by the Governor-General in Council.

Hearing of referred cases and revision of Criminal trials.

28. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any Court to any other Court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or Court otherwise competent to investigate or try it, though such case belongs, in ordinary course, to the jurisdiction of some other officer or Court.

High Court may direct the transfer of a case from one Court to another.

Criminal Law.

29. And We do further ordain that all persons brought for trial before the said High Court of Judicature at *Madras*, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a Court of appeal, reference, or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code," shall be liable to punishment under the said Act, and not otherwise, subject nevertheless to such alterations, modifications, and additions in and to such Code as may have been or may be prescribed by any Acts or Regulations made by the Governor-General in Council.

Offenders to be punished under Indian Penal Code.

Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.

Judges may be authorized to sit in any places by way of circuit or special commission.

30. And We do further ordain that whenever it shall appear to the Governor in Council convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court of Judicature at *Madras* should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the Sudder Adawlut or Foujdarry Adawlut at *Madras*, whether within or without the Presidency of *Madras*, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, and the Governor in Council shall, by his commission for that purpose, authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly, at or within such times as by such commission may be authorized or directed, the Judge or Judges acting under such commission, in the places and manner therein directed, shall have and exercise the same jurisdiction, power, and authority as would be had and exercised by a Judge or Judges, of the said High Court, as the case may be, in its ordinary place of sitting.

Admiralty and Vice-Admiralty Jurisdiction.

Civil.

31. And We do further ordain that the said High Court of Judicature at *Madras* shall have and exercise all such Civil and Maritime jurisdiction as may now be exercised by the said Supreme Court as a Court of Admiralty, or by any Judge of the said Court as Commissary to the Vice-Admiralty Court, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in *India* as is now vested in any Commissioner or Commissioners appointed by Us or Our predecessors, under the powers given by an Act passed in the Session of Parliament held in the Thirty-ninth and Fortieth Years of the reign of His late Majesty King *George* the Third, "for establishing further regulations for the government of the *British* territories in *India*, and the better administration of Justice within the same."

Criminal.

32. And We do further ordain that the said High Court of Judicature at *Madras* shall have and exercise all such Criminal jurisdiction as may now be exercised by the said Supreme Court as a Court of Admiralty, or by such Commissary to the Vice-Admiralty Court, or by any such Commissioner or Commissioners as aforesaid.

Testamentary and Intestate Jurisdiction.

Repeal of certain parts of former Letters Patent as to Ecclesiastical jurisdiction.

33. And We do further ordain that so much of the Letters Patent bearing date the Twenty-sixth day of *December*, in the Forty-first Year of the reign of His Majesty King *George* the Third, in the year of Our Lord One thousand eight hundred, as authorizes and empowers the Supreme Court to take cognizance of and proceed in causes, suits and business in the exercise of Ecclesiastical jurisdiction shall cease and determine, except as hereinafter mentioned.

Testamentary and Intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at *Madras* shall have the like power and authority as that which may now be exercised by the said Supreme Court, whether within or without the

Presidency of *Madras*, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever of persons dying intestate, whether within or without the said Presidency.

Matrimonial Jurisdiction.

35. And We do further ordain that the said High Court of Judicature at *Madras* shall have jurisdiction in matters matrimonial between Our subjects professing the Christian religion, and that such jurisdiction shall extend to the local limits within which the Supreme Court now has ecclesiastical jurisdiction: Provided always that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof. Matrimonial jurisdiction.

Powers of Single Judges and Division Courts.

36. And We do hereby declare, that any function which is hereby directed to be performed by the said High Court of Judicature at *Madras*, in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act of the Twenty-fourth and Twenty-fifth Years of Our Reign. Single Judges and Division Courts.

Civil Procedure.

37. And We do further ordain that the proceedings in all matters coming before the said High Court of Judicature at *Madras*, in the exercise of its testamentary and intestate jurisdiction, shall be regulated by the rules relating to the granting of probates and letters of administration contained in the aforesaid Letters Patent of His Majesty King *George* the Third, and by such further or other rules in respect thereof as are now in force; and that the proceedings in all matters coming before the said High Court, in the exercise of its matrimonial jurisdiction, shall be regulated, as nearly as may be, by the rules and proceedings of Our Court for Divorce and Matrimonial Causes in *England*; and that, save as hereinbefore in this clause otherwise provided, the proceedings in Civil suits of every description between party and party brought in the said High Court shall be regulated by the Code of Civil Procedure prescribed by an Act passed by the Governor-General in Council, and being Act No. VIII of 1859, and by such further or other enactments of the Governor-General in Council in relation to Civil procedure as are now in force: Provided always that the regulation of such proceedings respectively shall be subject to such laws and regulations as shall be hereafter made by the Governor-General in Council in relation to such proceedings respectively. Regulation of proceedings.

Criminal Procedure.

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Criminal jurisdiction, and also in all other criminal cases over which the said Supreme Court now has jurisdiction, Regulation of proceedings.

shall be regulated by the procedure and practice now in use in the said Supreme Court, and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure prescribed by an Act passed by the Governor-General in Council, and being Act No. XXV of 1861, or by such further or other enactments of the Governor-General in Council in relation to Criminal procedure as are now in force: Provided always that the regulation of such proceedings, respectively, shall be subject to such laws and regulations as shall be hereafter made by the Governor-General in Council, in relation to such proceedings respectively.

Appeals to Privy Council.

Power to appeal.

39. And We do further ordain that any person or persons may appeal to Us, Our heirs or successors, in Our or their Privy Council, in any matter not being of Criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at *Madras* made on appeal, and from any such final judgment, decree, or order made in the exercise of original jurisdiction by a majority of the full number of Judges of the said High Court as hereinbefore mentioned: Provided, in either case that the sum or matter at issue is above the amount or value of 10,000 rupees, or in case such judgment, decree, or order shall involve, directly or indirectly, any claim, demand, or question to or respecting property amounting to or of the value of 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

40. And We further ordain that it shall be lawful for the said High Court of Judicature at *Madras*, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of Criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Appeal in criminal cases, &c.

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at *Madras*, made in the exercise of original Criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner hereinbefore provided, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors in Council, provided the said High Court shall declare that the case is a fit one for such

appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Rule as to transmission of copies of evidence and other documents.

42. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at *Madras* to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs or successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

Call for Records, &c. by the Government.

High Court to comply with requisition from Government for records, &c.

43. And it is Our further will and pleasure that the said High Court of Judicature at *Madras* shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

Provisions of former Letters Patent inconsistent with the Act, these Letters Patent to be void.

44. And it is Our further will and pleasure that, from and after the establishment of the said High Court of Judicature at *Madras*, so much of the aforesaid Letters Patent granted by His Majesty King *George* the Third as is inconsistent with the recited Act and with these Letters Patent shall cease, determine, and be utterly void, to all intents and purposes whatsoever.

In Witness, &c.

In Witness whereof, We have caused these Our Letters to be made Patent. Witness Ourselves, at *Westminster*, the Twenty-sixth day of *June* in the Twenty-sixth Year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

AMENDED LETTERS PATENT FOR THE HIGH COURT OF JUDICATURE FOR THE PRESIDENCY OF MADRAS,

Bearing Date the Twenty-eighth Day of *December*, in the Twenty-ninth Year of the Reign of *VICTORIA*, in the Year of Our Lord, One Thousand Eight Hundred and Sixty-five.

VICTORIA, by the Grace of GOD, of the United Kingdom of *Great-Britain* and *Ireland*, Queen, Defender of the Faith. To all to whom these Presents shall come, Greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign, entituled "An Act for establishing High Courts of Judicature in *India*," it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at *Madras*, for the Presidency of *Madras* aforesaid, and that such High Court should consist of a Chief Justice and as many Judges, not exceeding Fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court, were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court, without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid, the Supreme Court and the Court of Sudder Dewanny Adawlut and Foujdarry Adawlut at *Madras*, in the said Presidency, should be abolished:

Recitals of Act 24 & 25 Vict., cap. 104, ss. 1, 2, 3 & 8.

And s. 9.

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for, and in relation to, the administration of justice in the said Presidency as Her Majesty might, by such Letters Patent as aforesaid, grant and direct, subject, however, to such directions and limitations, as to the exercise of original Civil and Criminal jurisdiction beyond the limits of the Presidency town, as might be prescribed thereby; and, save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor-General of *India* in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

Charter granted 26th June 1862.

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of *Great-Britain* and *Ireland*, bearing date at *Westminster*, the Twenty-sixth day of *June*, in the Twenty-fifth Year of Our Reign, in

the Year of Our Lord, One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish at *Madras*, for the Presidency of *Madras* aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at *Madras*, and did thereby constitute the said Court to be a Court of Record; and whereas we did thereby appoint and ordain, that the said High Court of Judicature at *Madras* should, until further or other provision should be made by Us or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and Five Judges, and did thereby constitute and appoint certain persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court:

24 & 25 Vict., c. 104, s. 17.

And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within Three Years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit, and as might have been granted or made by such first Letters Patent:

28 Vict., c. 15, s. 1.

And whereas by the Act of the Twenty-eighth of Our Reign, chapter fifteen, entitled "An Act to extend the Term for granting fresh Letters Patent "for the High Courts in *India*, and to make further Provision respecting the "territorial Jurisdiction of the said Courts," the time for issuing fresh Letters Patent has been extended to the First of *January*, One thousand eight hundred and sixty-six:

And the expediency of fresh Letters Patent.

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of Justice thereby, it is expedient that the said Letters Patent, dated the Twenty-sixth of *June*, One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

Revocation of Letters Patent of 1862.

1. Now know ye that We, upon full consideration of the premises, and of Our especial grace, certain knowledge, and mere motion, have thought fit to revoke, and do by these presents (from and after the date of the publication thereof, as hereinafter provided, and subject to the provisions thereof) revoke Our said Letters Patent of the Twenty-sixth of *June*, One thousand eight hundred and sixty-two, except so far as the Letters Patent of the Forty-first Year of His Majesty King *George* the Third, dated the Twenty-sixth of *December*, One thousand eight hundred, establishing a Supreme Court of Judicature at *Madras*, were revoked or determined thereby.

High Court at *Madras* to be continued.

2. And We do by these presents grant, direct, and ordain that, notwithstanding the revocation of the said Letters Patent of the Twenty-sixth of *June*, One thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at *Madras* shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at *Madras* for the Presidency of *Madras* aforesaid; and that the said Court shall be and continue a Court of Record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they

had commenced in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby, until the same are altered by competent authority.

Judges of the said High Court to be continued.

3. And We do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or acting Chief Justice or Judges, if any, of the said High Court of Judicature at *Madras*, shall continue to be the Chief Justice and Judges, or acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in *India*.

Clerks, &c. of the said High Court to be continued.

4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at *Madras*, appointed by virtue of the said Letters Patent of the Twenty-sixth *June*, One thousand eight hundred and sixty-two, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed, until he be removed from such office and employment; and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent.

Declaration to be made by Judges.

5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at *Madras*, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor in Council may commission to receive it:—

"I, *A. B.*, appointed Chief Justice [*or* a Judge] of the High Court of "Judicature at *Madras*, do solemnly declare that I will faithfully perform the "duties of my office to the best of my ability, knowledge, and judgment."

Seal.

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at *Madras* shall have and use, as occasion may require, a Seal bearing a device and impression of Our Royal Arms, with an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at *Madras*." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of section 7 of the said recited Act; and We do further grant, ordain and appoint that, whensoover it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered to demand, seize and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

Writs, &c. to issue in name of the Crown, and under Seal.

7. And We do hereby further grant, ordain, and appoint that all writs, summonses, precepts, rules, orders, and other mandatory process to be used, issued, or awarded by the said High Court of Judicature at *Madras*, shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

8. And We do hereby authorize and empower the Chief Justice of the said High Court of Judicature at *Madras* from time to time, as occasion may require, and subject to any rules and restrictions which may be prescribed by the Governor in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of Justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor in Council, and shall be either confirmed or disallowed by the Governor in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from time to time, appoint for each office and place respectively, and as the Governor in Council, subject to the control of the Governor-General in Council, shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor in Council, and to absent himself from the said limits during the term of such leave, in accordance with the said rules.

Appointment of officers.

Admission of Advocates, Vakeels, and Attorneys.

9. And We do hereby authorize and empower the said High Court of Judicature at *Madras* to approve, admit, and enrol such and so many Advocates, Vakeels, and Attorneys, as to the said High Court shall seem meet; and such Advocates, Vakeels, and Attorneys shall be and are hereby authorized to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions.

Powers of High Court in admitting Advocates, Vakeels, and Attorneys.

10. And We do hereby ordain that the said High Court of Judicature at *Madras*, shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law, and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

In making rules for the qualifications, &c. of Advocates, Vakeels, and Attorneys.

Civil Jurisdiction of the High Court.

11. And We do hereby ordain that the said High Court of Judicature at *Madras*, shall have and exercise ordinary original Civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by the Governor in Council, and, until some local limits shall be so declared and prescribed, within the limits of the local jurisdiction of the said

Local limits of the ordinary original jurisdiction of the High Court.

High Court of *Madras* at the date of the publication of these presents, and the ordinary original Civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original jurisdiction as to suits.

12. And We do further ordain that the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Civil jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immoveable property, such land or property shall be situated, or in all other cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain, within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at *Madras*, in which the debt or damage, or value of the property sued for, does not exceed one hundred rupees.

Extraordinary original Civil jurisdiction.

13. And We do further ordain that the said High Court of Judicature at *Madras* shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Presidency of *Madras*, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

Joinder of several causes of action.

14. And We do further ordain that where plaintiff has several causes of action against defendant, such causes of action not being for land or other immoveable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the defendant to show cause why the several causes of action should not be joined together in one suit, and to make such order of trial of the same as to the said High Court shall seem fit.

Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction.

15. And We do further ordain that an appeal shall lie to the said High Court of Judicature at *Madras* from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court, or of one Judge of any Division Court, pursuant to section 13 of the said recited Act; and that an appeal shall also lie to the said High Court from the judgment, not being a sentence or order as aforesaid, of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court, or of such Division Court, shall be to Us, Our heirs or successors, in Our or their Privy Council, as hereinafter provided.

Appeal from Courts in the provinces.

16. And We do further ordain that the said High Court of Judicature at *Madras*, shall be a Court of appeal from the Civil Courts of the Presidency of *Madras*, and from all other Courts, subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

17. And We do further ordain that the said High Court of Judicature at *Madras*, shall have the like power and authority with respect to the persons and estates of infants, idiots, and lunatics within the Presidency of *Madras*, as that which was vested in the said High Court immediately before the publication of these presents.

Jurisdiction as to infants and lunatics.

18. And We do further ordain that the Court for relief of Insolvent Debtors at *Madras* shall be held before one of the Judges of the said High Court of Judicature at *Madras*, and the said High Court, and any such Judge thereof, shall have and exercise, within the Presidency of *Madras*, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in *India*.

Provision with respect to the Insolvent Court.

Law to be administered by the High Court.

19. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Civil jurisdiction, such law or equity shall be the law or equity which would have been applied by the said High Court to such case if these Letters Patent had not issued.

By the High Court in the exercise of ordinary original Civil jurisdiction.

20. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at *Madras*, in the exercise of its extraordinary original Civil jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

In the exercise of extraordinary original Civil jurisdiction.

21. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at *Madras*, to each case coming before it in the exercise of its Appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

By the High Court in the exercise of Appellate jurisdiction.

Criminal Jurisdiction.

22. And We do further ordain that the said High Court of Judicature at *Madras* shall have ordinary original Criminal jurisdiction within the local limits of its ordinary original Civil jurisdiction, and also in respect of all such persons, beyond such limits, over whom the said High Court of Judicature at *Madras* shall have Criminal jurisdiction at the date of the publication of these presents.

Ordinary original jurisdiction of the High Court.

23. And We do further ordain that the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Jurisdiction as to persons.

24. And We do further ordain that the said High Court of Judicature at *Madras* shall have extraordinary original Criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and shall have authority to try at its discretion any such persons brought before it on charges preferred by the Advocate-General, or by any Magistrate or other officer specially empowered by the Government in that behalf.

Extraordinary original Criminal jurisdiction.

No appeal from High Court exercising original jurisdiction.

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at *Madras* from any sentence or order passed or made in any criminal trial before the Courts of original Criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

Court may reserve points of law.

High Court to review on certificate of the Advocate-General.

26. And We do further ordain that, on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate-General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original Criminal jurisdiction, or that a point or points of law which has or have been decided by the said Court should be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

Appeals from Criminal Courts in the Provinces.

27. And We do further ordain that the said High Court of Judicature at *Madras* shall be a Court of appeal from the Criminal Courts of the Presidency of *Madras*, and from all other Courts, subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

Hearing of referred cases, and revision of Criminal trials.

28. And We do further ordain that the said High Court of Judicature at *Madras* shall be a Court of reference and revision from the Criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers now authorized to refer cases to the said High Court, and to revise all such cases tried by any officer or Court possessing Criminal jurisdiction, as are now subject to reference or to revision by the said High Court.

High Court may direct the transfer of a case from one Court to another.

29. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any Court to any other Court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or Court otherwise competent to investigate or try it, though such case belongs, in ordinary course, to the jurisdiction of some other officer or Court.

Criminal Law.

Offenders to be punished under Indian Penal Code.

30. And We do further ordain that all persons brought for trial before the said High Court of Judicature at *Madras*, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a Court of appeal, reference, or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code," or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.

Judges may be authorized to sit in any places by way

31. And We do further ordain that whenever it shall appear to the Governor in Council convenient that the jurisdiction and power by these Our

Letters Patent, or by the recited Act, vested in the said High Court of Judicature at *Madras* should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the said High Court, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places, shall be regulated by any law relating thereto, which has been or may be made by competent legislative authority for *India*. of circuit or special commission.

Admiralty and Vice-Admiralty Jurisdiction.

Civil.

32. And We do further ordain that the said High Court of Judicature at *Madras* shall have and exercise all such Civil and Maritime jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in *India* as may now be exercised by the said High Court.

Criminal.

33. And We do further ordain that the said High Court of Judicature at *Madras* shall have and exercise all such Criminal jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, or otherwise in connection with maritime matters, or matters of prize.

Testamentary and Intestate Jurisdiction.

Testamentary and Intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at *Madras* shall have the like power and authority as that which may now be lawfully exercised by the said High Court, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever of persons dying intestate, whether within or without the Presidency of *Madras:* Provided always, that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for *India*, by which power is given to any other Court to grant such probates and letters of administration.

Matrimonial Jurisdiction.

Matrimonial jurisdiction.

35. And We do further ordain that the said High Court of Judicature at *Madras* shall have jurisdiction, within the Presidency of *Madras*, in matters matrimonial between Our subjects professing the Christian religion: Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

Powers of Single Judges and Division Courts.

Single Judges and Division Courts.

36. And We do hereby declare, that any function which is hereby directed to be performed by the said High Court of Judicature at *Madras*, in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act

of the Twenty-fourth and Twenty-fifth Years of Our Reign; and if such Division Court is composed of two or more Judges, and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

Civil Procedure.

Regulation of proceedings.

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at *Madras* from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its admiralty, vice-admiralty, testamentary, intestate, and matrimonial jurisdiction respectively: Provided always, that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the Code of Civil Procedure, being an Act passed by the Governor-General in Council, and being Act No. VIII of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for *India*.

Criminal Procedure.

Regulation of proceedings.

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at *Madras*, in the exercise of its ordinary original Criminal jurisdiction, and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation thereto by competent legislative authority for *India;* and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure prescribed by an Act passed by the Governor-General in Council, and being Act No. XXV of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

Appeals to Privy Council.

Power to appeal.

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of Criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at *Madras* made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High Court under the provision contained in the 15th clause of these Presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the

said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency. Except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

40. And We do further ordain that it shall be lawful for the said High Court of Judicature at *Madras*, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of Criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Appeal in criminal cases, &c.

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at *Madras*, made in the exercise of original Criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner hereinbefore provided, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors, in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Rule as to transmission of copies of evidence and other documents.

42. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at *Madras* to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs, or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

Calls for Records, &c. by the Government.

High Court to comply with requisition from Government for records, &c.

43. And it is Our further will and pleasure that the said High Court of Judicature at *Madras* shall comply with such requisitions as may be made by the

Government for records, returns, and statements, in such form and manner as such Government may deem proper.

Powers of Indian Legislature preserved.

44. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor-General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor-General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth Years of Our Reign, chapter sixty-seven, and may be in all respects amended and altered thereby.

Provisions of former Letters Patent inconsistent with these Letters Patent, to be void.

45. And it is Our further will and pleasure that these Letters Patent should be published by the Governor in Council, and shall come into operation from and after the date of such publication; and that from and after the date on which effect shall have been given to them, so much of the aforesaid Letters Patent granted by His Majesty King *George* the Third as was not revoked or determined by the said Letters Patent of the Twenty-sixth of *June*, One thousand eight hundred and sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void, to all intents and purposes whatsoever.

In Witness, &c.

IN WITNESS whereof, We have caused these Our Letters to be made Patent. Witness Ourself, at *Westminster*, the Twenty-eighth day of *December* in the Twenty-ninth Year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

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